

DEFENSE LAW JOURNAL

VOLUMES 28 TO 45

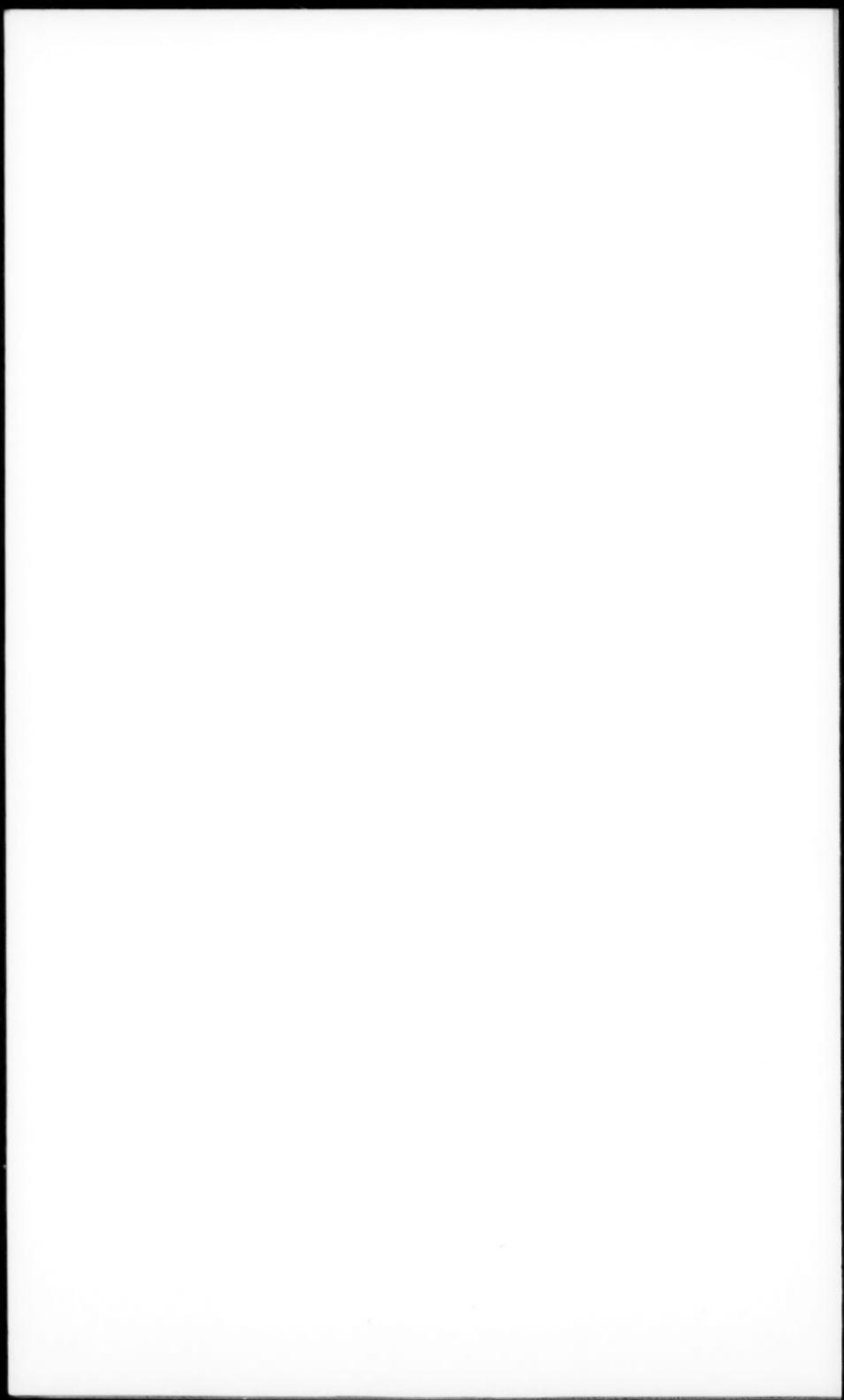
1996

INDEX



MICHIE

POST OFFICE BOX 7587 • CHARLOTTESVILLE, VA 22906-7587



INDEX
to
Defense Law Journal

1996 Edition

●
Containing
References to Volumes 28—45

MICHIE
Law Publishers
CHARLOTTESVILLE, VIRGINIA

COPYRIGHT © 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996

BY

MICHIE

**A DIVISION OF REED ELSEVIER, INC.
AND REED ELSEVIER PROPERTIES, INC.**

All rights reserved.



7096710

INDEX TO DEFENSE LAW JOURNAL

Volumes 28 through 45

The original INDEX TO DEFENSE LAW JOURNAL, covering materials contained in Volumes 1 through 17, was published in 1969. Thereafter, supplements in the form of pocket parts were provided each year to maintain the cumulative nature of the Index. In 1979, a second bound INDEX TO DEFENSE LAW JOURNAL was issued for Volumes 18 through 27, and that Index was supplemented annually by pocket parts delivered each year with the last issue.

Beginning in 1982, the Supplement to the 1979 Index Volume has been published in a separate soft-cover pamphlet. The references in this 1996 Edition are to materials in Volumes 28 through 45. New, cumulative editions of this Index will be issued annually to add references to the year's accumulation of subject matter.

INDEX TO DEFENSE LAW JOURNAL
Volumes 28 through 45

	Page
Preface	iii
Index of Articles	1
Index of Authors	33
Index of Subjects	61

INDEX OF ARTICLES

A

ACCIDENT AND HEALTH INSURANCE.

"Defending Insurers Charged with Wrongful Termination of an Agent" (Guy O. Kornblum), v. 32, p. 555.

"Punitive Damages: An Insurer's Lament" (Michael E. Bragg), v. 34, p. 483.

"Recent Cases Interpreting the Implied Covenant of Faith and Fair Dealing" (Guy O. Kornblum), v. 30, p. 411.

"Statutes and Regulations Controlling Life and Health Insurance Claim Practices" (Franklin L. Best, Jr.), v. 29, p. 115; v. 31, p. 93.

"The Distinction Between Accidental Means and Accidental Results in Accidental Death Insurance" (John D. Ingram), v. 33, p. 593.

"The Role of the Life, Health & Accident Insurer's Medical Director in Extra-Contract Claims Litigation" (Guy O. Kornblum), v. 28, p. 205.

"The Tort of Bad Faith in First-Party Insurance Transactions after Two Decades" (Roger C. Henderson), v. 45, p. 611.

ACCOUNTANTS.

"Accountant Liability" (Constance Frisby Fain), v. 45, p. 111.

"Can the Contributory Negligence Defense Contribute to a Defusing of the Accountants' Liability Crisis?" (Robert A. Prentice), v. 45, p. 541.

"Common Law Liability of Accountants for Negligence to Non-Contractual Parties: Recent Developments" (Francis Achampong), v. 37, p. 203.

"Corporate Audit Committees: Reducing Director's Legal Liabilities" (Alan Reinstein, Joe Callaghan and Louis Braiotta, Jr.), v. 34, p. 689.

"Liabilities of Tax Preparers: An Overview" (Paul J. Routh), v. 34, p. 497.

"Negligent Accounting and the Limits of Instrumental Tort Reform" (John A. Siliciano), v. 38, p. 481.

"Presumed Innocent? Financial Institutions, Professional Malpractice Claims, and Defenses Based on Management Misconduct" (Matthew G. Doré), v. 45, p. 189.

DEFENSE LAW JOURNAL

ACCOUNTANTS—Cont'd

"The Controversy over Third Party Rights: Toward More Predictable Parameters of Auditor Liability" (John W. Bagby and John C. Ruhnka), v. 38, p. 365.
"The Foreseen, The Foreseeable and Beyond—Accountants' Liability to Nonclients" (James R. Gormley), v. 34, p. 75.

ANTITRUST.

"Antitrust Counseling: The Five Factors of Antitrust Liability" (Donald E. Knebel), v. 34, p. 149.

APPEAL.

"Appellate Review of Evidentiary Rulings" (David P. Leonard), v. 42, p. 1.
"Practices and Strategies for a Successful Appeal" (Robert M. Tyler, Jr.), v. 43, p. 297.
"Standards of Appellate Review" (Patrick W. Brennan), v. 33, p. 377.

ARCHITECTS.

"Architects, Engineers, Computer Product and the Law: A Matter of Anticipation" (Paul A. Mathew), v. 32, p. 627.
"Architects' Expanded Liability Under Design-Build/Construction Contracting" (Hal G. Block), v. 33, p. 325.
"Liability of Engineers for Structural Design Errors: State of the Art Considerations in Defining the Standard of Care" (John Peck and Wyatt A. Hoch), v. 35, p. 319.

ARGUMENT TO JURY.

"Closing Argument Procedure" (J. Alexander Tanford), v. 37, p. 401.
"The Opening Moment" (Steven Lubet), v. 43, p. 1.

ATTORNEY AND CLIENT.

"Attorney Malpractice and the Trial Within a Trial: Time for a Change" (Donald G. Weiland), v. 35, p. 677.
"Building Chinese Walls: Current Implementation and a Proposal for Reforming Law Firm Disqualification" (Mark C. Brodeur), v. 38, p. 259.
"Causes of Legal Malpractice" (Duke Nordlinger Stern and JoAnn Felix-Retzke), v. 33, p. 447.
"Conflicts of Interest Between Insurer and Insured: Ethical Traps for the Unsuspecting Defense Counsel" (Karon O. Bowdre), v. 44, p. 249.

INDEX OF ARTICLES

ATTORNEY AND CLIENT—Cont'd

"Corporate Confidentiality: Problems and Dilemmas of Corporate Counsel" (Robert J. Wilczek), v. 32, p. 321.

"Frivolous Lawsuits—The Lawyer's Duty to Say 'No'" (Wesley A. Cann, Jr.), v. 31, p. 25.

"Inadvertent Waiver of the Attorney-Client Privilege by Disclosure of Documents: An Economic Analysis" (Alan J. Meese), v. 40, p. 119.

"Insurance Companies and their Lawyers—The Cost Squeeze" (Robert I. Weil), v. 32, p. 391.

"Insurance Coverage Opinions" (Michael Sean Quinn & L. Kimberly Steele), v. 44, p. 591.

"Legal Malpractice Damages in a Trial Within a Trial—A Critical Analysis of Unique Concepts: Areas of Unconscionability" (Joseph H. Koffler), v. 40, p. 79.

"Legal Malpractice in Estate Planning—Perilous Times Ahead for the Practitioner" (Gerald P. Johnston), v. 31, p. 417.

"Legal Malpractice Statute of Limitations: A Critical Analysis of a Burgeoning Crisis" (Joseph H. Koffler), v. 36, p. 405.

"Liabilities of Tax Preparers: An Overview" (Paul J. Routh), v. 34, p. 497.

"Professional Discipline for Law Firms" (Ted Schneyer), v. 42, p. 83.

"Regulating Lawyers' Negotiations" (Rex R. Perschbacher), v. 35, p. 65.

"Representing Corporate Plaintiffs in Complex Litigation" (Robert L. Haig and Steven P. Caley), v. 45, p. 519.

"Some Aspects of Potential Disclosure of Confidential Computerized Legal Materials" (Rouven R. Levary and Karen K. Duke), v. 33, p. 569.

"Some Reflections on the Nature and Future of the Adversary System" (A. Sherman Christensen), v. 30, p. 325.

"The Doctor and His Lawyer: Conflicts of Interest" (Richard H. Underwood), v. 32, p. 25.

"The Ethics of Hourly Billing by Attorneys" (William G. Ross), v. 41, p. 577.

"The Represented Client in a Settlement Conference: The Lessons of *G. Heileman Brewing Co. v. Joseph Oat Corp.*" (Leonard L. Riskin), v. 41, p. 459.

"The Work-Product Doctrine: Protection, Not Privilege" (Sherman L. Cohn), v. 33, p. 25.

DEFENSE LAW JOURNAL

ATTORNEY AND CLIENT—Cont'd

"Walking the Tightrope: The Tripartite Relationship Between Insurer, Insured, and Insurance Defense Counsel" (Douglas R. Richmond), v. 44, p. 479.

AUTOMOBILE ACCIDENTS.

"The Safety Belt Defense at Trial and in Out-of-Court Settlement" (David A. Westenberg), v. 36, p. 1.

"The Seat Belt Defense Reconsidered: A Return to Accountability in Tort Law?" (Robert M. Ackerman), v. 36, p. 607.

"Trains, Trucks, Trees, and Shrubs: Vision-Blocking Natural Vegetation and a Landowner's Duty to Those Off the Premises" (James T. R. Jones), v. 46, p. 519.

AUTOMOBILE INSURANCE.

"Issues and Problems in 'Other Insurance,' Multiple Insurance, and Self-Insurance" (Douglas R. Richmond), v. 45 p. 365.

AUTOPSIES.

"Evidentiary Autopsies" (James T. R. Jones), v. 40, p. 251.

"Psychological Autopsy: Clinical and Legal Perspectives" (James R. P. Ogloff & Randy K. Otto), v. 43, p. 587.

B

BANKS AND BANKING.

"Latent Legal Repercussions in Electronic Financial Services and Transactions" (James V. Vergari), v. 34, p. 539.

"Presumed Innocent? Financial Institutions, Professional Malpractice Claims, and Defenses Based on Management Misconduct" (Matthew G. Doré), v. 45, p. 189.

C

CANCER.

"Causal Chains and Statistical Links: The Role of Scientific Uncertainty in Hazardous Substances Litigation" (Troyen A. Brennen), v. 38, p. 189.

"Curing Cancerphobia Phobia: Reasonableness Redefined" (Glen Donath), v. 45, p. 337.

"Defense of Delayed Diagnosis and Treatment of Breast Cancer" (Corrine Propas Parver), v. 33, p. 77.

INDEX OF ARTICLES

CANCER—Cont'd

"Recovery for Cancerphobia and Increased Risk of Cancer" (Fournier J. Gale, III and James L. Goyer, III), v. 35, p. 443.
"Tort Actions for Medical Monitoring: Warranted or Wasteful" (Susan L. Martin & Jonathan D. Martin), v. 45, p. 163.

COMPARATIVE NEGLIGENCE.

"Comparative Fault and Intentional Torts: Doctrinal Barriers and Policy Considerations" (Jake Dear and Steven E. Zipperstein), v. 34, p. 383.
"Comparative Negligence: Effect on Punitive Damages" (James D. Giardi), v. 37, p. 297.
"Comparative Negligence in Strict Products Liability: The Courts Render the Final Judgment" (Todd P. Leff and Joseph V. Pinto), v. 35, p. 267.

COMPROMISE AND SETTLEMENT.

"Can the Judge Do That? — The Need for a Clearer Judicial Role in Settlement" (Daisy Hurst Floyd), v. 43, p. 673.
"Getting to 'No': A Study of Settlement Negotiations and the Selection of Cases for Trial" (Samuel R. Gross and Kent D. Syverud), v. 41, p. 377.
"Mary Carter Agreements: An Assessment of Attempted Solutions" (June F. Entman), v. 37, p. 1.
"Promoting Settlements and Limiting Litigation Costs by Means of the Offer of Judgment: Suggestions for Using and Revising Rule 68" (Jay N. Varon), v. 34, p. 345.
"Protecting the Confidentiality of Settlement Negotiations" (Wayne D. Brazil), v. 38, p. 283.
"Regulating Lawyers' Negotiations" (Rex R. Perschbacher), v. 35, p. 65.
"The Active Judge in Pretrial Settlement: Inherent Authority Gone Awry" (Leroy J. Tornquist), v. 39, p. 307.
"The Case Against Guaranteed Verdict Agreements" (Larry Bodine), v. 29, p. 233.
"The Costs of Settlement: The Impact of Scarcity of Adjudication on Litigating Lawyers" (Kevin C. McMunigal), v. 39, p. 607.
"The Duty to Settle" (Kent D. Syverud), v. 40, p. 155.
"The Represented Client in a Settlement Conference: The Lessons of *G. Heileman Brewing Co. v. Joseph Oat Corp.*" (Leonard L. Riskin), v. 41, p. 459.

DEFENSE LAW JOURNAL

COMPROMISE AND SETTLEMENT—Cont'd

"Valuation of Cases for Settlement: Theory and Practice" (Peter Toll Hoffman), v. 41, p. 1.

COMPUTERS.

"Architects, Engineers, Computer Product and the Law: A Matter of Anticipation" (Paul A. Mathew), v. 32, p. 627.

"A Survey for Computerized Information for Lawyers: LEXIS, JURIS, WESTLAW and FLITE" (John T. Soma and Andrea R. Stern), v. 33, p. 181.

"Computer Error and User Liability Risk" (Raymond Nimmer and Patricia A. Krauthaus), v. 35, p. 579.

"Computer-Generated Exhibits — Demonstrative, Substantive, or Pedagogical — Their Place in Evidence" (Timothy W. Cerniglia), v. 44, p. 299.

"Computer Malpractice: A New Tort on the Horizon?" (Sue Ganske Graziano), v. 40, p. 711.

"Computers and the Litigator" (Jeffrey Allen), v. 34, p. 183.

"Electronic Databases in Legal Research: Beyond LEXIS and WESTLAW" (S. Blair Kauffman), v. 37, p. 223.

"Evidential Value and Acceptability of Computer Digital-Image Printouts" (James V. Vergari), v. 33, p. 275.

"How is Technology Affecting the Practice and Profession of Law?" (William T. Braithwaite), v. 41, p. 285.

"Latent Legal Repercussions in Electronic Financial Services and Transactions" (James V. Vergari), v. 34, p. 539.

"Liability for the Health Hazards Resulting from the Use of Video Display Terminals: Who Must Pay?" (Laura B. Pincus), v. 41, p. 329.

"Product Liability and Software" (Michael C. Gemignani), v. 31, p. 335.

"Role of the Lawyer in a Changing Environment (The Impact of Computer Technology)" (A. L. Moses), v. 36, p. 677.

"Some Aspects of Potential Disclosure of Confidential Computerized Legal Materials" (Reuven R. Levary and Karen K. Duke), v. 33, p. 569.

"The New Privacy Interest: Electronic Mail in the Workplace" (Steven Winters), v. 43, p. 491.

CONDOMINIUMS.

"A Comprehensive Theory of Condominium Tort Liability" (Eric T. Freyfogle), v. 37, p. 575.

INDEX OF ARTICLES

CONFLICT OF LAWS.

"Choice of Law in Product Liability Actions: Order for the Practitioner in a Reign of Chaos" (Edward S. Digges, Jr. and Michael T. Wharton), v. 33, p. 467.

"Forum Shopping for Stale Claims: Statutes of Limitations and Conflict of Laws" (Sam Walker), v. 39, p. 543.

"Professional Responsibility and the Conflict of Laws" (Geoffrey J. Ritts), v. 44, p. 63.

"Rethinking Choice of Law" (Larry Kramer), v. 40, p. 1.

CONSTRUCTION ACCIDENTS.

"Liability of Engineers for Structural Design Errors: State of the Art Considerations in Defining the Standard of Care" (John Peck and Wyatt A. Hoch), v. 35, p. 319.

CONTRACTS.

"A Contract Theory for a Complex Tort: Limiting Interference with Contract Beyond the Unlawful Means Test" (Donald C. Dowling, Jr.), v. 35, p. 503.

"Contractor Liability for Design Defects Under the Inspection Clause: Latent Design Defects—A Sleeping Giant?" (Mark S. Jaegar), v. 42, p. 359.

"Foreseeability in Contract and Tort: The Problems of Responsibility and Remoteness" (Banks McDowell), v. 36, p. 65.

"Surrogate Immunity: The Government Contract Defense and Products Liability" (Richard C. Ausness), v. 36, p. 537.

"Why Are Insurance Contracts Subject to Special Rules of Interpretation?" (James M. Fischer), v. 42, p. 385.

CONTRIBUTION AMONG TORTFEASORS.

"Bibliography: Contribution Among Tortfeasors" (Peter H. Kutner), v. 33, p. 219.

"The Case Against Guaranteed Verdict Agreements" (Larry Bodine), v. 29, p. 233.

CONTRIBUTORY NEGLIGENCE.

"Can the Contributory Negligence Defense Contribute to a Defusing of the Accountants' Liability Crisis?" (Robert A. Prentice), v. 45, p. 541.

"The Puzzling Doctrine of Contributory Negligence" (Kenneth W. Simons), v. 45, p. 1.

CONVICTION OF CRIME.

"Corporate Confidentiality: Problems and Dilemmas of Corporate Counsel" (Robert J. Welczek), v. 32, p. 321.

DEFENSE LAW JOURNAL

CONVICTION OF CRIME—Cont'd

"Criminal Judgments as Proof of Civil Liability" (Henry C. Carlson), v. 31, p. 173.
"Limits on a Corporation's Protection of its Directors and Officers from Personal Liability" (Dale A. Oesterle), v. 33, p. 111.

CORPORATIONS.

"Corporate Audit Committees: Reducing Director's Legal Liabilities" (Alan Reinstein, Joe Callaghan and Louis Braiotta, Jr.), v. 34, p. 689.
"Depositions of Corporations: Problems and Solutions—Fed. R. Civ. P. 30(b)(6)" (M. Minnette Massey) v. 36, p. 319.
"Director Due Care Liability: An Assessment of the New Statutes" (Harvey Gelb), v. 38, p. 141.
"Procuring Trial Testimony from Corporate Officers and Employees: Alternative Methods and Suggestions for Reform" (Richard J. Oparil), v. 43, p. 161.
"Protecting the Confidentiality of Corporate Internal Investigations and Compliance Audits" (Joseph G. Manta & Stephen F. Block), v. 45, p. 497.
"Representing Corporate Plaintiffs in Complex Litigation" (Robert L. Haig & Steven P. Caley), v. 45, p. 519.
"The Corporate Director's Duty of Care: Riddles Wisely Expounded" (Norwood P. Beveridge, Jr.), v. 41, p. 519.
"The Proper Standard for Directors' Negligence Liability" (Larry D. Soderquist), v. 41, p. 127.

CROSS-EXAMINATION.

"Challenging Post-Traumatic Stress Disorder Claims" (David Faust and Jay Ziskin), v. 38, p. 407.
"Challenging the Plaintiff's Psychological Tests" (Jay Ziskin), v. 33, p. 507.
"Cross-Examination of the Quantitative Expert" (John M. Dawson), v. 32, p. 259.
"Defending Mental Injury Claims: Cross-Examining the Plaintiff's Expert Witness" (Eric H. Marcus, M.D.), v. 36, p. 141.
"New Terminology for the 'Traumatic Neurosis' Case: Challenging the Plaintiff's Psychiatrist" (Jay Ziskin), v. 32, p. 73.

INDEX OF ARTICLES

D

DAMAGES, DEATH ACTIONS.

"Discount Rates Currently Used to Compute the Present Value of Pecuniary Losses: Results of a Recent Survey" (John G. Fulmer, Jr. and William J. Bertin), v. 42, p. 773.

"Final Moments: Damages for Pain and Suffering Prior to Death" (David W. Leebron), v. 39, p. 133.

"Getting to 'No': A Study of Settlement Negotiations and the Selection of Cases for Trial" (Samuel R. Gross and Kent D. Syverud), v. 41, p. 377.

"How Labor Productivity Growth Projections Overstate Lifetime Earnings" (Robert W. Pulsinelli and Melvin V. Borland), v. 34, p. 137.

"Obtaining the Ideal Discount Rate in Wrongful Death and Injury Litigation" (Stephen B. Jarrell), v. 32, p. 191.

"On Juries and Damage Awards: The Process of Decision Making" (Edith Greene), v. 40, p. 387.

"Revisiting the Misapplication of the 'Hedonic Damages' Concept to Wrongful Death and Personal Injury Litigation" (Thomas Havrilsky), v. 43, p. 533.

"The Child's Claim for Loss of Parental Consortium: The Prospects for the Nineties" (Joseph H. Rodensky), v. 40, p. 355.

"The Defense of Suits by 'High-Income' Plaintiffs and Some General Observations and Suggestions" (William P. Butler), v. 40, p. 453.

"The Safety Belt Defense at Trial and in Out-of-Court Settlement" (David A. Westenberg), v. 36, p. 1.

"The Use of the Berla Scale in Quantifying Hedonic Damages: A Case-Management Perspective" (Penelope Caragonne), v. 43, p. 545.

"Using an Economist to Prepare a Defense in Wrongful Death or Injury Actions" (Robert W. Pulsinelli), v. 32, p. 491.

"Valuation of Cases for Settlement: Theory and Practice" (Peter Toll Hoffman), v. 41, p. 1.

DAMAGES, PERSONAL INJURY.

"Bibliography: Contribution Among Tortfeasors" (Peter B. Kutner), v. 33, p. 219.

"Discount Rates Currently Used to Compute the Present Value of Pecuniary Losses: Results of a Recent Survey" (John G. Fulmer, Jr. and William J. Bertin), v. 42, p. 773.

DAMAGES, PERSONAL INJURY—Cont'd

"Getting to 'No': A Study of Settlement Negotiations and the Selection of Cases for Trial" (Samuel R. Gross and Kent D. Syverud), v. 41, p. 377.

"How Labor Productivity Growth Projections Overstate Lifetime Earnings" (Robert W. Pulsinelli and Melvin V. Borland), v. 34, p. 137.

"Liability for the Health Hazards Resulting from the Use of Video Display Terminals: Who Must Pay?" (Laura B. Pincus), v. 41, p. 329.

"Litigating Head Trauma: The Hidden Evidence of Disability" (Alexander J. Nemeth), v. 39, p. 377.

"Lost Earnings Calculations and Tort Law: Reflections on the Pfeifer Decision" (Sumner J. La Croix and B. Laurence Miller), v. 36, p. 291.

"Neuropsychological Evaluation in Traumatic Head Injury: A New Tool for Attorneys" (Richard E. Paschke and Joseph William Moch), v. 37, p. 499.

"Obtaining the Ideal Discount Rate in Wrongful Death and Injury Litigation" (Stephen B. Jarrell), v. 32, p. 191.

"On Juries and Damage Awards: The Process of Decision Making" (Edith Greene), v. 40, p. 387.

"Recovery for Cancerphobia and Increased Risk of Cancer" (Fournier J. Gale, III, and James L. Goyer, III), v. 35, p. 443.

"Recovery for Psychic Harm in Strict Products Liability: Has the Interest in Psychic Equilibrium Come the Final Mile?" (Susanah M. Mead), v. 35, p. 193.

"Revisiting the Misapplication of the 'Hedonic Damages' Concept to Wrongful Death and Personal Injury Litigation" (Thomas Havrilsky), v. 43, p. 533.

"The Child's Claim for Loss of Parental Consortium: The Prospects for the Nineties" (Joseph H. Radensky), v. 40, p. 355.

"The Defense of Suits by 'High-Income' Plaintiffs and Some General Observations and Suggestions" (William P. Butler), v. 40, p. 453.

"The Safety Belt Defense at Trial and in Out-of-Court Settlement" (David A. Westenberg), v. 36, p. 1.

"The Use of the Berla Scale in Quantifying Hedonic Damages: A Case-Management Perspective" (Penelope Caragonne), v. 43, p. 545.

"Tort Actions for Medical Monitoring: Warranted or Wasteful" (Susan L. Martin & Jonathan D. Martin), v. 45, p. 163.

INDEX OF ARTICLES

DAMAGES, PERSONAL INJURY—Cont'd

"Using an Economist to Prepare a Defense in Wrongful Death or Injury Actions" (Robert W. Pulsinelli), v. 32, p. 491.
"Valuation of Cases for Settlement: Theory and Practice" (Peter Toll Hoffman), v. 41, p. 1.
"Where, in DSM-III-R, Is 'Compensation Neurosis'?" (Steven E. Hyler, M.D., Janet B. W. Williams and Robert L. Spitzer, M.D.), v. 37, p. 511.

DAMAGES, PUNITIVE.

"Comparative Negligence: Effect on Punitive Damages" (James D. Ghiardi), v. 37, p. 297.
"Limiting Discovery of a Defendant's Wealth When Punitive Damages are Alleged" (Steven E. Woodbury), v. 34, p. 675.
"Punitive Damages: An Insurer's Lament" (Michael E. Bragg), v. 34, p. 483.
"Punitive Damages: A Relic That Has Outlived Its Origins" (James B. Sales and Kenneth B. Cole, Jr.), v. 34, p. 429.
"Punitive Damages Awards: An Expanded Judicial Role" (James D. Ghiardi), v. 39, p. 69.
"Retribution and Deterrence: The Role of Punitive Damages in Products Liability Litigation" (Richard C. Ausness), v. 35, pp. 467, 625; v. 36, p. 109.
"The Tort of Bad Faith in First-Party Insurance Transactions after Two Decades" (Roger C. Henderson), v. 45, p. 611.

DECLARATORY JUDGMENTS.

"Declaratory Judgment Coverage Actions: A Multistate Survey and Analysis and State Versus Federal Law Comparison" (Davis J. Howard), v. 44, p. 517.

DEFAMATION.

"Disclosure of Confidential Medical Information: Countervailing Pressures on Physicians" (Merrill G. Emerick), v. 28, p. 393.
"Suing Media for Emotional Distress: A Multi-Method Analysis of Tort Law Evolution" (Terrance C. Mead), v. 33, p. 283.

DEPOSITIONS.

"Depositions—Objections, Strategies, Tactics, Mechanics and Problems" (Dennis R. Suplee), v. 32, p. 425.
"Depositions of Corporations: Problems and Solutions—Fed. R. Civ. P. 30(b)(6)" (M. Minnette Massey), v. 36, p. 319.

DEFENSE LAW JOURNAL

DEPOSITIONS—Cont'd

"The Taking and Use of Videotaped Depositions" (Michael J. Henke), v. 42, p. 559.

DISCOVERY.

"A New Antidote for an Opponent's Pretrial Discovery Misconduct: Treating the Misconduct at Trial as an Admission by Conduct of the Weakness of the Opponent's Case" (Edward J. Imwinkelried), v. 43, p. 189.

"Conducting Informal Discovery of a Party's Former Employees: Legal and Ethical Concerns and Constraints" (Susan J. Becker), v. 42, p. 239.

"Limiting Discovery of a Defendant's Wealth When Punitive Damages Are Alleged" (Steven E. Woodbury), v. 34, p. 675.

"Opinion Work Product: Solving the Dilemma of Compelled Disclosure" (Michael E. Wolfson), v. 34, p. 641.

"Overintrusive Surveillance of Plaintiffs in Personal Injury Cases" (George A. LaMarca), v. 35, p. 603.

"The Rules Have Changed: Amendments to the Federal Rules of Civil Procedure" (The Honorable John M. Roll), v. 43 p. 577.

"Work Product Privilege and Discovery of Expert Testimony: Resolving the Conflict Between Federal Rules of Civil Procedure 26(b)(3) and 26(b)(4)" (Jan W. Henkel and O. Lee Reed), v. 38, p. 565.

E

ECONOMISTS.

"Cross Examination of the Quantitative Expert" (John M. Dawson), v. 32, p. 259.

"Discount Rates Currently Used to Compute the Present Value of Pecuniary Losses: Results of a Recent Survey" (John G. Fulmer, Jr. and William J. Bertin), v. 42, p. 773.

"How Labor Productivity Growth Projections Overstate Lifetime Earnings" (Robert W. Pulsinelli and Melvin V. Borland), v. 34, p. 137.

"Lost Earnings Calculations and Tort Law: Reflections on the Pfeifer Decision" (Sumner J. La Croix and H. Laurence Miller), v. 36, p. 291.

"New Evidence on Long Term Real Interest Rates" (Thomas Havrilesky), v. 38, p. 693.

INDEX OF ARTICLES

ECONOMISTS—Cont'd

"Obtaining the Ideal Discount Rate in Wrongful Death or Injury Litigation" (Steven B. Jarrell and Robert W. Pulsinelli), v. 32, p. 191.

"Revisiting the Misapplication of the 'Hedonic Damages' Concept to Wrongful Death and Personal Injury Litigation" (Thomas Havrilesky), v. 43, p. 533.

"The Defense of Suits by 'High-Income' Plaintiffs and Some General Observations and Suggestions" (William P. Butler), v. 40, p. 453.

"The Use of the Berla Scale in Quantifying Hedonic Damages: A Case-Management Perspective" (Penelope Caragonne), v. 43, p. 545.

"Using an Economist to Prepare a Defense in Wrongful Death or Injury Actions" (Robert W. Pulsinelli), v. 32, p. 491.

EMPLOYERS AND EMPLOYEES

"A Defense of the Employment at Will Rule" (Richard W. Power), v. 33, p. 199.

"Conducting Informal Discovery of a Party's Former Employees: Legal and Ethical Concerns and Constraints" (Susan J. Becker), v. 42, p. 239.

"Employment at Will: Do Exceptions Overwhelm the Rule?" (Gary E. Murg), v. 32, p. 87.

"Fear of Disease and Delayed Manifestation Injuries: A Solution or a Pandora's Box?" (Terry Morehead Dworkin), v. 35, p. 1.

"Jar Wars: Drug Testing Advice for Private Sector Employers" (Rita M. Cain), v. 37, p. 257.

"Liability for the Health Hazards Resulting from the Use of Video Display Terminals: Who Must Pay?" (Laura B. Pincus), v. 41, p. 329.

"Medical Examinations as a Method of Investigating Employee Wrongdoing" (William E. Hartsfield), v. 36, p. 251.

"Polygraphs" (William E. Hartsfield), v. 35, p. 289.

"Prevention and Defense of Wrongful Discharge Suits in the Corporate Sector" (Julia A. Davis, J. Michael Ozier, Sean T. Quinn and Douglas L. Williams), v. 38, p. 51.

"Protecting the Righteous Employer Against Abusive Sexual Harassment Claims: Two Modest Proposals" (Rafael Chodos), v. 45, p. 271.

"Recent Developments in Sexual Harassment Law" (Rachael A. Hetherington and Barbara Childs Wallace), v. 42, p. 463.

DEFENSE LAW JOURNAL

EMPLOYERS AND EMPLOYEES—Cont'd

"The New Privacy Interest: Electronic Mail in the Workplace" (Steven Winters), v. 43, p. 491.

"The Revolution That Wasn't: On the Business-as-Usual Aspects of Employment-at-Will" (Sid L. Moller), v. 43, p. 369.

"The Toxic Substances Control Act" (Mary Devine Worobec), v. 34, p. 55.

"Workers' Compensation and Sexual Harassment in the Workplace: A Remedy for Employees, or a Shield for Employers?" (Ruth C. Vance), v. 44, p. 1.

"Wrongful Termination Lawsuits: The Employers Finally Win a Few" (Ralph H. Baxter and Jeffrey D. Wohl), v. 34, p. 205.

ENVIRONMENTAL PROTECTION.

"The Toxic Substances Control Act" (Mary Devine Worobec), v. 34, p. 55.

EVIDENCE.

"Admission of Business Records into Evidence: Using the Business Records Exception and Other Techniques" (Thomas P. Egan and Thomas J. Cunningham), v. 41, p. 675.

"Appellate Review of Evidentiary Rulings" (David P. Leonard), v. 42, p. 1.

"Computer-Generated Exhibits — Demonstrative, Substantive, or Pedagogical — Their Place in Evidence" (Timothy W. Cerniglia), v. 44, p. 299.

"Criminal Judgments as Proof of Civil Liability" (Henry C. Karlson), v. 31, p. 173.

"Delusion or Despair: The Concept of Limited Admissibility in the Law of Evidence" (Daniel D. Blinka), v. 39, p. 657.

"Document Control and Management in Complex Litigation" (Danny P. Richey), v. 38, p. 593.

"Do Not Fold, Spondle or Mutilate: The Trend Toward Recognition of Spoliation as a Separate Tort" (Terry R. Spencer), v. 43, p. 723.

"Evidentiary Autopsies" (James T. R. Jones), v. 40, p. 251.

"Overintrusive Surveillance of Plaintiffs in Personal Injury Cases" (George A. LaMarca), v. 35, p. 603.

"Should the States Adopt Rules Patterned after the Federal Rules of Evidence?" (A. Sherman Christensen), v. 28, p. 101.

"The Admissibility of Insurance Questions During Voir Dire: A Critical Survey of Federal Approaches and Proposals for Change" (Alan Calnan), v. 42, p. 135.

INDEX OF ARTICLES

EXPERT EVIDENCE.

"Causal Chains and Statistical Links: The Role of Scientific Uncertainty in Hazardous Substance Litigation" (Troyen A. Brennen), v. 38, p. 189.

"Challenging Post-Traumatic Stress Disorder Claims" (David Faust and Jay Ziskin), v. 38, p. 407.

"Challenging the Plaintiff's Psychological Tests" (Jay Ziskin), v. 33, p. 507.

"Characteristics and Behavior of Fire" (Dennis J. Berry), v. 34, p. 243.

"Defending Mental Injury Claims: Cross-Examining the Plaintiff's Expert Witness" (Eric H. Marcus, M.D.), v. 36, p. 141.

"Expert Testimony in Technically Complex Litigation" (Stanley Pierce, Joseph J. Ortego and Michael Makulski), v. 40, p. 697.

"Expert Testimony on Proximate Cause" (Daniel J. Steinbock, William M. Richman and Douglas E. Ray), v. 38, p. 539.

"Expert Witness Malpractice: A Solution to the Problem of the Negligent Expert Witness" (Carol Henderson Garcia), v. 42, p. 195.

"Human Factors Experts in Personal Injury Litigation" (Douglas R. Richmond), v. 43, p. 639.

"New Terminology for the 'Traumatic Neurosis' Case: Challenging the Plaintiff's Psychiatrist" (Jay Ziskin), v. 32, p. 73.

"Psychological Autopsy: Clinical and Legal Perspectives" (James R. P. Ogloff & Randy K. Otto), v. 43, p. 597.

"Revisiting the Misapplication of the 'Hedonic Damages' Concept to Wrongful Death and Personal Injury Litigation" (Thomas Havrilsky), v. 43, p. 533.

"The Conflict Concerning Expert Witnesses and Legal Conclusions" (Charles W. Ehrhardt), v. 39, p. 575.

"The State of the Art and Products Liability" (Michael Weinberger), v. 28, p. 303.

"The Use of the Berla Scale in Quantifying Hedonic Damages: A Case-Management Perspective" (Penelope Caragonne), v. 43, p. 545.

"Trial by Lottery: The Misuse of Epidemiology and Statistics to Prove Causation in Drug and Chemical Litigation" (Richard J. Heafey), v. 38, p. 673.

"Using an Economist to Prepare a Defense in Wrongful Death or Injury Actions" (Robert W. Pulsinelli), v. 32, p. 491.

"Work Product Privilege and Discovery of Expert Testimony: Resolving the Conflict Between Federal Rules of Civil Procedure

DEFENSE LAW JOURNAL

EXPERT EVIDENCE—Cont'd

"26(b)(3) and 26(b)(4)" (Jan W. Henkel and O. Lee Reed), v. 38, p. 565.

F

FEDERAL RULES OF CIVIL PROCEDURE.

"Depositions of Corporations: Problems and Solutions—Fed. R. Civ. P. 30(b)(6)" (M. Minnette Massey), v. 36, p. 319.
"Practice and Procedure Under Amended Rule 11 of the Federal Rules of Civil Procedure" (Kevin P. Roddy and William Woodward Webb), v. 36, p. 489.

"Procuring Trial Testimony from Corporate Officers and Employees: Alternative Methods and Suggestions for Reform" (Richard J. Oparil), v. 43, p. 161.

"Promoting Settlements and Limiting Litigation Costs by Means of the Offer of Judgment: Suggestions for Using and Revising Rule 68" (Jay N. Varon), v. 34, p. 345.

"Rule 11 and State Courts: Panacea or Pandora's Box?" (Eric K. Yamamoto and Danielle K. Hart), v. 41, p. 185.

"Sanctions, Symmetry, and Safe Harbors: Limiting Misapplication of Rule 11 by Harmonizing It with Pre-Verdict Dismissal Devices" (Jeffrey W. Stempel), v. 41, p. 237.

"The Rules Have Changed: Amendments to the Federal Rules of Civil Procedure" (The Honorable John M. Roll), v. 43 p. 577.

"The Shot Clock Comes to Trial: Time Limits for Federal Civil Trials" (Patrick E. Longan), v. 43, p. 221.

"Work Product Privileges and Discovery of Expert Testimony: Resolving the Conflict Between Federal Rules of Civil Procedure 26(b)(3) and 26(b)(4)" (Jan W. Henkel and O. Lee Reed), v. 38, p. 565.

FEDERAL RULES OF EVIDENCE.

"Should the States Adopt Rules Patterned After the Federal Rules of Evidence?" (A. Sherman Christensen), v. 28, p. 101.

"Uncodified Federal Evidence Rules Applicable to Civil Trials" (David J. Langum), v. 33, p. 59.

FIRE ACCIDENTS.

"Characteristics and Behavior of Fire" (Dennis J. Berry), v. 34, p. 243.

INDEX OF ARTICLES

FORESEEABILITY.

"Foreseeability: A Murky Crystal Ball for Predicting Liability" (William H. Hardie, Jr.), v. 42, p. 713.
"Foreseeability in Contract and Tort: The Problems of Responsibility and Remoteness" (Banks McDowell), v. 36, p. 65.

G

GOVERNMENT CONTRACT DEFENSE.

"Surrogate Immunity: The Government Contract Defense and Products Liability" (Richard C. Ausness), v. 36, p. 537.

H

HOSPITAL LIABILITY.

"Defense of Emergency Medicine Malpractice Cases" (Scott L. Lewis), v. 37, p. 625.
"DRG Reimbursement and Medical Malpractice Liability" (Marshall B. Kapp), v. 34, p. 221.
"Emergency Room Follow-Up Care and Malpractice Liability" (Deanne Morgan), v. 45, p. 297.
"Hospital Corporate Liability: Toward a Stricter Standard for Administrative Services" (Marcia A. Mobilia), v. 35, p. 157.
"Hospital Liability for Independent Contractors: Where Do We Go from Here?" (H. Ward Classen), v. 37, p. 75.
"Hospitals' Liability for Physicians' Malpractice" (Diane M. Janulis and Alan D. Hornstein), v. 35, p. 541.
"Innovative Therapy: The Responsibility of Hospitals" (Dale H. Cowan and Eva Bertsch), v. 33, p. 623.
"Legal Aspects of Angiography and Interventional Radiology" (Stewart R. Reuter), v. 34, p. 421.
"Liability Issues Arising from Hospitals' Use of Temporary Supplemental Staff Nurses" (Diana L. Nolte Huff), v. 40, p. 663.
"Liability of Physicians, Pharmacists and Hospitals for Adverse Drug Reactions" (Linda Willet Brackins), v. 34, p. 273.
"Malpractice Issues in the Academic Medical Center" (Ben A. Rich), v. 36, p. 641.
"Nurses and Malpractice" (Jane C. Norman), v. 33, p. 103.
"Why Are People Negligent? Technology, Nondurable Precautions and the Medical Malpractice Explosion" (Mark F. Grady), v. 38, p. 1.

DEFENSE LAW JOURNAL

I

IMPEACHMENT OF PLAINTIFFS.

"Malingering or Mental Distress?" (Eric H. Marcus, M.D.), v. 35, p. 705.

"Overintrusive Surveillance of Plaintiffs in Personal Injury Cases" (George A. LaMarca), v. 35, p. 603.

INCOME TAX.

"Liabilities of Tax Preparers: An Overview" (Paul J. Routh), v. 34, p. 497.

INSTRUCTIONS.

"Jury Instructions: A Persistent Failure to Communicate" (Walter W. Steele and Elizabeth G. Thornburg), v. 38, p. 427.

"Jury Instructions, Pattern or Otherwise" (Graham Douthwaite), v. 29, p. 335.

INSURANCE.

"Compulsory Joinder of Compensating Insurers: Federal Rule of Civil Procedure 19 and the Role of Substantive Law" (June F. Entman), v. 44, p. 363.

"Conflicts of Interest Between Insurer and Insured: Ethical Traps for the Unsuspecting Defense Counsel" (Karon O. Bowdre), v. 44, p. 249.

"Declaratory Judgment Coverage Actions: A Multistate Survey and Analysis and State Versus Federal Law Comparison" (Davis J. Howard), v. 44, p. 517.

"Defending Insurers Charged with Wrongful Termination of an Agent" (Guy O. Kornblum), v. 32, p. 555.

"Determining the Scope of 'Bodily Injury or Property Damage' Under the Comprehensive General Liability Policy" (Larry Spurgeon), v. 36, p. 467.

"Evidentiary Autopsies" (James T. R. Jones), v. 40, p. 251.

"Insurance Adjusters and Plaintiffs' Attorneys: From Claims Fraud Consensus to Settlement Reform" (Robert W. Emerson), v. 43, p. 43.

"Insurance Coverage Opinions" (Michael Sean Quinn & L. Kimberly Steele), v. 44, p. 591.

"Insurance Versus Indemnification: An Argument for *Stare Decisis*" (Joan T. Schmit), v. 34, p. 125.

INDEX OF ARTICLES

INSURANCE—Cont'd

"Issues and Problems in 'Other Insurance,' Multiple Insurance, and Self-Insurance" (Douglas R. Richmond), v. 45, p. 365.

"Overintrusive Surveillance of Plaintiffs in Personal Injury Cases" (George A. LaMarca), v. 35, p. 603.

"Psychological Autopsy: Clinical and Legal Perspectives" (James R. P. Ogloff & Randy K. Otto), v. 43, p. 597.

"Punitive Damages: An Insurer's Lament" (Michael E. Bragg), v. 34, p. 483.

"Reassessing the 'Sophisticated' Policyholder Defense in Insurance Coverage Litigation" (Jeffrey W. Stempel), v. 44, p. 189.

"The Admissibility of Insurance Questions During Voir Dire: A Critical Survey of Federal Approaches and Proposals for Change" (Alan Calnan), v. 42, p. 135.

"The Duty to Settle" (Kent D. Syverud), v. 40, p. 155.

"The Tort of Bad Faith in First-Party Insurance Transactions after Two Decades" (Roger C. Henderson), v. 45, p. 611.

"Walking the Tightrope: The Tripartite Relationship Between Insurer, Insured, and Insurance Defense Counsel" (Douglas R. Richmond), v. 44, p. 479.

"Where No Minds Meet: Insurance Policy Interpretation and the Use of Drafting History" (John Randolph Prince III), v. 44, p. 133.

"Why Are Insurance Contracts Subject to Special Rules of Interpretation?" (James M. Fischer), v. 42, p. 385.

INTENTIONAL TORTS.

"Comparative Fault and Intentional Torts: Doctrinal Barriers and Policy Considerations" (Jake Dear and Steven E. Zipperstein), v. 34, p. 383.

"Evaluating Independent Torts Based upon 'Intentional' or 'Negligent' Infliction of Emotional Distress: How Can We Keep the Baby from Dissolving in the Bath Water?" (David Crump), v. 42, p. 583.

J

JUDICIAL OPINIONS.

"The Precedential Value of Unpublished Judicial Opinions" (George M. Weaver), v. 38, p. 119.

JURY TRIAL.

"Applying Batson in Civil Trials: The Greatest Sideshow on Earth!" (William H. Pryor, Jr.), v. 41, p. 575.

JURY TRIAL—Cont'd

"Enhancing Juror Effectiveness: An Insurer's Perspective" (Judyth W. Pendell), v. 40, p. 555.

"Exclusion of Plaintiffs from the Courtroom in Personal Injury Actions: A Matter of Discretion or Constitutional Right?" (Allen P. Grunes), v. 38, p. 97.

"Guidelines and Techniques for Leading and Managing the Litigation Team" (Danny P. Richey), v. 42, p. 675.

"Juror Agreement on the Basis of Negligence" (Stewart Jay), v. 39, p. 85.

"Jurors' Views of Civil Lawyers: Implications for Courtroom Communication" (Valerie P. Hans & Krista A. Sweigart), v. 43, p. 121.

"On Juries and Damage Awards: The Process of Decision Making" (Edith Greene), v. 40, p. 387.

"Practitioner's Notebook: How I Spent My Sabbatical, or What Happens When a Torts Professor Is a Juror in a Negligence Case" (Douglas H. Cook), v. 44, p. 705.

"Summary Jury Trials in State and Federal Courts: A Comparative Analysis of the Perceptions of Participating Lawyers" (James J. Alfini), v. 39, p. 251.

"The Admissibility of Insurance Questions During Voir Dire: A Critical Survey of Federal Approaches and Proposals for Change" (Alan Calnan), v. 42, p. 135.

"The Competency and Responsibility of Jurors in Deciding Cases" (Steven I. Friedland), v. 40, p. 517.

"The Opening Moment" (Steven Lubet), v. 43, p. 1.

"The Shot Clock Comes to Trial: Time Limits for Federal Civil Trials" (Patrick E. Longan), v. 43, p. 221.

L

LANDLORD AND TENANT.

"A Fresh Look at Premises Liability as Affected by the Warranty of Habitability" (Michael J. Davis and Phillip E. DeLaTorre), v. 33, p. 525.

"Property Law: The Growing Accountability of Landlords for Third-Party Criminal Attacks" (David C. Markatos), v. 41, p. 729.

"The Taming of a Duty—The Tort Liability of Landlords" (Olin L. Browder), v. 32, p. 497.

INDEX OF ARTICLES

LEGAL MALPRACTICE.

"Am I My Partner's Keeper? Peer Review in Law Firms" (Susan Saab Fortney), v. 44, p. 547

"Attorney Malpractice and the Trial Within a Trial: Time for a Change" (Donald G. Weiland), v. 35, p. 677.

"Causes of Legal Malpractice" (Duke Nordlinger Stern and JoAnn Felix-Retzke), v. 33, p. 447.

"Hazards of Vexatious Conduct in Litigation" (David L. Ryan), v. 30, p. 123.

"Legal Malpractice Damages in a Trial Within a Trial—A Critical Analysis of Unique Concepts: Areas of Unconscionability" (Joseph H. Koffler), v. 40, p. 79.

"Legal Malpractice in Estate Planning—Perilous Times Ahead for the Practitioner" (Gerald P. Johnston), v. 31, p. 417.

"Liabilities of Tax Preparers: An Overview" (Paul J. Routh), v. 34, p. 497.

"Presumed Innocent? Financial Institutions, Professional Malpractice Claims, and Defenses Based on Management Misconduct" (Matthew G. Doré), v. 45, p. 189.

"Preventing Legal Malpractice in Large Law Firms" (Robert E. O'Malley), v. 39, p. 25.

"Professional Discipline for Law Firms" (Ted Schneyer), v. 42, p. 83.

"Regulating Lawyers' Negotiations" (Rex R. Perschbacher), v. 35, p. 65.

LIABILITY INSURANCE.

"Architects' Expanded Liability Under Design-Building/ Construction Contracting" (Hal G. Block), v. 33, p. 325.

"Compulsory Joinder of Compensating Insurers: Federal Rule of Civil Procedure 19 and the Role of Substantive Law" (June F. Entman), v. 44, p. 363.

"Conflicts of Interest Between Insurer and Insured: Ethical Traps for the Unsuspecting Defense Counsel" (Karon O. Bowdre), v. 44, p. 249.

"Declaratory Judgment Coverage Actions: A Multistate Survey and Analysis and State Versus Federal Law Comparison" (Davis J. Howard), v. 44, p. 517.

"Duty to Settle" (Kent D. Syverud), v. 40, p. 155.

"Enhancing Juror Effectiveness: An Insurer's Perspective" (Judyth W. Pendell), v. 40, p. 555.

"Insurance Adjusters and Plaintiffs' Attorneys: From Claims Fraud Consensus to Settlement Reform" (Robert W. Emerson), v. 43, p. 43.

LIABILITY INSURANCE—Cont'd

"Insurance Companies and Their Lawyers—The Cost Squeeze" (Robert I. Weil), v. 32, p. 391.

"Insurance Coverage Opinions" (Michael Sean Quinn & L. Kimberly Steele), v. 44, p. 591.

"Insurance Versus Indemnification: An Argument for Stare Decisis" (Joan T. Schmit), v. 34, p. 125.

"Issues and Problems in 'Other Insurance,' Multiple Insurance, and Self-Insurance" (Douglas R. Richmond), v. 45, p. 365.

"Punitive Damages: An Insurer's Lament" (Michael E. Bragg), v. 34, p. 483.

"Reassessing the 'Sophisticated' Policyholder Defense in Insurance Coverage Litigation" (Jeffrey W. Stempel), v. 44 p. 189.

"Recent Cases Interpreting the Implied Covenant of Faith and Fair Dealing" (Guy O. Kornblum), v. 30, p. 411.

"Royal Globe v. Superior Court: Its Impact on Litigation Involving Insurers" (Guy O. Kornblum), v. 29, p. 355.

"Walking the Tightrope: The Tripartite Relationship Between Insurer, Insured, and Insurance Defense Counsel" (Douglas R. Richmond), v. 44, p. 479.

"Where No Minds Meet: Insurance Policy Interpretation and the Use of Drafting History" (John Randolph Prince III), v. 44, p. 133.

LIE DETECTORS.

"Polygraphs" (William E. Hartsfield), v. 35, p. 289.

LIFE INSURANCE.

"Defending Insurers Charged with Wrongful Termination of an Agent" (Guy O. Kornblum), v. 32, p. 555.

"Psychological Autopsy: Clinical and Legal Perspectives" (James R. P. Ogleff & Randy K. Otto), v. 43, p. 597.

"Recent Cases Interpreting the Implied Covenant of Faith and Fair Dealing" (Guy O. Kornblum), v. 30, p. 411.

"Statutes and Regulations Controlling Life and Health Insurance Claim Practices" (Franklin L. Best, Jr.), v. 29, p. 115; v. 31, p. 93.

"The Distinction Between Accidental Means and Accidental Results in Accidental Death Insurance" (John D. Ingram), v. 33, p. 593.

"The Role of the Life, Health & Accident Insurer's Medical Director in Extra Contract Claims Litigation" (Guy O. Kornblum), v. 28, p. 205.

INDEX OF ARTICLES

M

MEDICAL EVIDENCE.

"Defending Mental Injury Claims: Cross-Examining the Plaintiff's Expert Witness" (Eric H. Marcus, M.D.), v. 36, p. 141.

"Emotional Distress Claims in Medical Malpractice Cases" (John L. Ropiequet), v. 40, p. 569.

"Evidentiary Autopsies" (James T. R. Jones), v. 40, p. 251.

"Ex Parte Interviews with Plaintiff's Treating Physicians: The Offensive Use of the Physician-Patient Privilege" (Jacqueline M. Asher, Richard A. Glaser & Barbara Hughes Erard), v. 40, P. 321.

"Litigating Head Trauma: The 'Hidden' Evidence of Disability" (Alexander J. Nemeth), v. 39, p. 377.

"Medicine in the Courtroom: How Much Objectivity?" (Eric H. Marcus, M.D.), v. 36, p. 529.

"Posttraumatic Stress Disorder and Concussion: Are They Incompatible?" (Kenneth P. Price, Ph.D.), v. 43, p. 113.

MEDICAL MALPRACTICE.

"Battling a Receding Tort Frontier: Constitutional Attacks on Medical Malpractice Laws" (David Randolph Smith), v. 35, p. 359.

"Common Knowledge in Medical Malpractice Litigation: A Diagnosis and Prescription" (Robert P. Dahlquist), v. 32, p. 399.

"Consent to Treatment: Exceptions to the Rules" (Fay A. Rozovsky), v. 33, p. 579.

"Defense of Delayed Diagnosis and Treatment of Breast Cancer" (Corrine Propas Parver), v. 33, p. 77.

"Defense of Emergency Medicine Malpractice Cases" (Scott M. Lewis), v. 37, p. 625.

"Disclosure of Confidential Medical Information: Countervailing Pressures on Physicians" (Merrill G. Emerick), v. 28, p. 393.

"Does Hospital Corporate Liability Extend to Medical Staff Supervision?" (Edward E. Hollowell), v. 32, p. 203.

"DRG Reimbursement and Medical Malpractice Liability" (Marshall B. Kapp), v. 34, p. 221.

"Emergency Room Follow-Up Care and Malpractice Liability" (Deanne Morgan), v. 45, p. 297.

"Emotional Distress Claims in Medical Malpractice Cases" (John L. Ropiequet), v. 40, p. 569.

"Hospital Liability for Independent Contractors: Where Do We Go from Here?" (H. Ward Classen), v. 37, p. 75.

MEDICAL MALPRACTICE—Cont'd

"Hospital's Liability for Physician's Malpractice" (Diane M. Janulis and Alan D. Hornstein), v. 35, p. 541.

"Informed Consent in the Prescription Drug Context: The Special Case" (Gerald F. Tietz), v. 36, p. 153.

"Informed Consent: The Law's Uneasy Compromise with Ethical Theory" (Alan J. Weisbard), v. 36, p. 341.

"Innovative Therapy: The Responsibility of Hospitals" (Dale H. Cowan and Eva Bertsch), v. 33, p. 623.

"Legal Aspects of Angiography and Interventional Radiology" (Stewart R. Reuter, M.D.), v. 34, p. 421.

"Liability Issues Arising from Hospitals' Use of Temporary Supplemental Staff Nurses" (Diana L. Nolte Huff), v. 40, p. 663.

"Liability of Physicians, Pharmacists and Hospitals for Adverse Drug Reactions" (Linda Willett Brackins), v. 34, p. 273.

"Malpractice Issues in the Academic Medical Center" (Ben A. Rich), v. 36, p. 641.

"Medical Malpractice v. The Business Judgment Rule: Differences in Hindsight Bias" (Hal R. Arkes & Cindy A. Schipani), v. 45, p. 59.

"Medication Malpractice: Claims, Culprits, and Defenses" (Michael J. Farrell), v. 42, p. 315.

"Nurses and Malpractice" (Jane C. Norman), v. 33, p. 103.

"The Doctor and His Lawyer: Conflicts of Interest" (Richard H. Underwood), v. 32, p. 25.

"The Practitioner's Guide to Informed Consent" (Richard E. Shugrue and Kathryn Linstromberg), v. 41, p. 73.

"Tracing the Shadow of the Law: Jury Verdicts in Medical Malpractice Cases" (Stephen Daniels), v. 40, p. 415.

"Why are People Negligent? Technology, Nondurable Precautions and the Medical Malpractice Explosion" (Mark F. Grady), v. 38, p. 1.

"Wrongful Life and Wrongful Birth: Medical Malpractice in Genetic Counseling and Prenatal Testing" (Thomas DeWitt Rogers, III), v. 31, p. 555.

"Wrongful Pregnancy" (Donna K. Holt), v. 31, p. 371.

MENTALLY DISABLED.

"The Liability of Mentally Disabled Tort Defendants" (Harry J. F. Korrell), v. 45, p. 650.

MENTAL PAIN.

"Challenging Post-Traumatic Stress Disorder Claims" (David Faust and Jay Ziskin), v. 38, p. 407.

INDEX OF ARTICLES

MENTAL PAIN—Cont'd

"Challenging the Plaintiff's Psychological Tests" (Jay Ziskin), v. 33, p. 507.

"Defending Mental Injury Claims: Cross-Examining the Plaintiff's Expert Witness" (Eric H. Marcus, M.D.), v. 36, p. 141.

"Emotional Distress Claims in Medical Malpractice Cases" (John L. Ropiequet), v. 40, p. 569.

"Evaluating Independent Torts Based upon 'Intentional' or 'Negligent' Infliction of Emotional Distress: How Can We Keep the Baby from Dissolving in the Bath Water?" (David Crum), v. 42, p. 583.

"Evaluating Mental Injury and Impairment: The Major Theoretical Frameworks in Psychiatry" (J. Joe Yazel, M.D.), v. 32, p. 671.

"Fear of Disease and Delayed Manifestation Injuries: A Solution or a Pandora's Box?" (Terry Morehead Dworkin), v. 35, p. 1.

"Liability to Bystanders for Negligently Inflicted Emotional Harm—A Comment on the Nature of Arbitrary Rules" (Richard N. Pearson), v. 32, p. 275.

"Malingering or Mental Distress" (Eric H. Marcus, M.D.), v. 35, p. 705.

"Mental Injury in Workers' Compensation: Psychodiagnostic Implications" (Donald A. Eisner), v. 37, p. 107.

"New Terminology for the 'Traumatic Neurosis' Case: Challenging the Plaintiff's Psychiatrist" (Jay Ziskin), v. 32, p. 73.

"Posttraumatic Stress Disorder and Concussion: Are They Incompatible?" (Kenneth P. Price, Ph.D.), v. 43, p. 113.

"Psychoneurologic Disorders: Emerging Toxic Tort Claims in the 1990s" (Myron S. Weinberg & Steven B. Bisbing), v. 40, 607.

"Recovery for Cancerphobia and Increased Risk of Cancer" (Fournier J. Gale, III and James L. Goyer, III), v. 35, p. 443.

"Recovery for Psychic Harm in Strict Products Liability: Has the Interest in Psychic Equilibrium Come the Final Mile?" (Susanah M. Mead), v. 35, p. 193.

"Suing Media for Emotional Distress: A Multi-Method Analysis of Tort Law Evolution" (Terrance C. Mead), v. 33, p. 283.

"Where, in DSM-III-R, Is 'Compensation Neurosis'?" (Steven E. Hyler, M.D., Janet B. W. Williams and Robert L. Spitzer, M.D.), v. 37, p. 511.

MOTION PICTURE OR VIDEOTAPE EVIDENCE.

"Defense of a Railroad Crossing Accident Case" (D. Thomas Johnson), v. 29, p. 461.

DEFENSE LAW JOURNAL

MOTION PICTURE OR VIDEOTAPE EVIDENCE—Cont'd
"Overintrusive Surveillance of Plaintiffs in Personal Injury Cases"
(George A. LaMarca), v. 35, p. 603.

P

PAIN AND SUFFERING.

"Final Moments: Damages for Pain and Suffering Prior to Death"
(David H. Lebron), v. 39, p. 133.

"Psychological Approaches to Chronic Pain: Assessment and Treatment"
(Rickey S. Miller), v. 36, p. 521.

PHARMACISTS.

"Liability of Physicians, Pharmacists and Hospitals for Adverse
Drug Reactions" (Linda Willett Brackins), v. 34, p. 273.

PHOTOGRAPHIC EVIDENCE.

"Overintrusive Surveillance of Plaintiffs in Personal Injury Cases"
(George A. LaMarca), v. 35, p. 603.

POLYGRAPHS.

"Polygraphs" (William E. Hartsfield), v. 35, p. 289.

PREPARATION FOR TRIAL.

"Defense of a Railroad Crossing Accident Case" (D. Thomas Johnson), v. 29, p. 449.

"Depositions—Objectives, Strategies, Tactics, Mechanics and Problems"
(Dennis R. Suplee), v. 32, p. 425.

"Document Control and Management in Complex Litigation"
(Danny R. Richey), v. 38, p. 593.

"Guidelines and Techniques for Leading and Managing the Litigation Team"
(Danny P. Richey), v. 42, p. 675.

"Jury Instructions, Pattern or Otherwise" (Graham Douthwaite), v.
29, p. 335.

"Overintrusive Surveillance of Plaintiffs in Personal Injury Cases"
(George A. LaMarca), v. 35, p. 603.

"Procuring Trial Testimony from Corporate Officers and Employees:
Alternative Methods and Suggestions for Reform" (Richard J. Oparil), v. 43, p. 161.

"Representing Corporate Plaintiffs in Complex Litigation" (Robert
L. Haig & Steven P. Caley), v. 45, p. 519.

"Strategic and Scientific Considerations in Toxic Tort Defense"
(Richard O. Faulk), v. 35, p. 405.

INDEX OF ARTICLES

PREPARATION FOR TRIAL—Cont'd

"Witness Preparation" (John S. Applegate), v. 39, p. 457.

PRIVACY.

"Disclosure of Confidential Medical Information: Countervailing Pressures on Physicians" (Merrill G. Emerick), v. 28, p. 393.

"Overintrusive Surveillance of Plaintiffs in Personal Injury Cases" (George A. LaMarca), v. 35, p. 603.

"Suing Media for Emotional Distress: A Multi-Method Analysis of Tort Law Evolution" (Terrance C. Mead), v. 33, p. 283.

"The New Privacy Interest: Electronic Mail in the Workplace" (Steven Winters), v. 43, p. 491.

PRODUCTS LIABILITY.

"A Practical Approach to State of the Art Evidence in Strict Products Liability Cases" (Gary C. Robb), v. 32, p. 155.

"Choice of Law in Product Liability Actions: Order for the Practitioner in a Reign of Chaos" (Edward S. Digges, Jr. and Michael T. Wharton), v. 33, p. 467.

"Comprehensive Negligence in Strict Products Liability: The Courts Render the Final Judgment" (Todd P. Leff and Joseph V. Pinto), v. 35, p. 267.

"Contractor Liability for Design Defects Under the Inspection Clause: Latent Design Defects—A Sleeping Giant?" (Mark S. Jaegar), v. 42, p. 359.

"Design Defect" in Products Liability: Rethinking Negligence and Strict Liability" (Frank J. Vandall), v. 31, p. 517.

"Design Defect Liability: In Search of a Standard of Responsibility" (Mary J. Davis), v. 43, p. 425.

"Distinguishing Between Products and Services in Strict Liability" (William C. Powers, Jr.), v. 33, p. 423.

"Federal Reform of Product Liability Law: A Solution That Will Work" (Victor E. Schwartz and Barbara H. Bares), v. 34, p. 19.

"Foreseeability in Contract and Tort: The Problems of Responsibility and Remoteness" (Banks McDowell), v. 36, p. 65.

"Product Liability of the 1980s: 'Repose Is Not the Destiny' of Manufacturers" (Terry Morehead Dworkin), v. 32, p. 351.

"Products Liability and Software" (Michael G. Gemignani), v. 31, p. 335.

"Products Liability of a Successor Corporation: Acquisition of 'Bad Will' with 'Good Will'" (David W. Hill), v. 32, p. 55.

PRODUCTS LIABILITY—Cont'd

"Recovery for Psychic Harm in Strict Products Liability: Has the Interest in Psychic Equilibrium Come the Final Mile?" (Susanah M. Mead), v. 35, p. 193.

"Res Ipsa Loquitur and Indeterminate Product Defects: If They Speak for Themselves, What Are They Saying?" (Jonathan M. Hoffman), v. 44, p. 671.

"Retribution and Deterrence: The Role of Punitive Damages in Products Liability Litigation" (Richard C. Ausness), v. 35, pp. 467, 625; v. 36, p. 109.

"Risks of Assumptions: Impacts of Regulatory Warnings Upon Industrial Products Liability" (James T. O'Reilly), v. 37, p. 325.

"Statute of Limitations Problems in Products Liability Cases" (Osborne M. Reynolds, Jr.), v. 36, p. 213.

"Strict Products Liability: The Original Intent" (George L. Priest), v. 39, p. 279.

"Surrogate Immunity: The Government Contract Defense and Products Liability" (Richard C. Ausness), v. 36, p. 537.

"The Case Against Strict Liability" (Alan Schwartz), v. 42, p. 531.

"The Duty to Warn and Instruct for Safe Use in Strict Tort Liability" (James B. Sales), v. 31, p. 267.

"The Post-Sale Duty to Warn: Two Unfortunate Forks in the Road to a Reasonable Doctrine" (Victor E. Schwartz), v. 33, p. 261.

"The Trade Association and Products Safety Standards: Of Good Samaritans and Liability" (Robert E. O'Malley), v. 39, p. 1.

"Trial by Lottery: The Misuse of Epidemiology and Statistics to Prove Causation in Drug and Chemical Litigation" (Richard J. Heafey), v. 38, p. 673.

"Workers' Compensation and Product Liability: The Interaction of a Tort and a Non-Tort Regime" (Paul C. Weiler), v. 39, p. 415.

PROPERTY POSSESSOR'S LIABILITY.

"Trains, Trucks, Trees, and Shrubs: Vision-Blocking Natural Vegetation and a Landowner's Duty to Those Off the Premises" (James T. R. Jones), v. 45, p. 463.

PROXIMATE CAUSE.

"Expert Testimony in Proximate Cause" (Daniel J. Steinbock, William M. Richman and Douglas E. Ray), v. 38, p. 539.

PSYCHOLOGICAL TESTS.

"Challenging the Plaintiff's Psychological Tests" (Jay Ziskin), v. 33, p. 507.

INDEX OF ARTICLES

PSYCHOLOGICAL TESTS—Cont'd

"Neuropsychological Evaluation in Traumatic Head Injury: A Tool for Attorneys" (Richard E. Paschke and Joseph William Moch), v. 37, p. 499.

R

RAILROAD ACCIDENTS.

"Defense of a Railroad Crossing Accident Case" (D. Thomas Johnson), v. 29, p. 449.

RES IPSA LOQUITUR.

"Res Ipsa Loquitur and Indeterminate Product Defects: If They Speak for Themselves, What Are They Saying?" (Jonathan M. Hoffman), v. 44, p. 671.

S

SEAT BELT DEFENSE.

"The Safety Belt Defense at Trial and in Out-of-Court Settlement" (David A. Westenberg), v. 36, p. 1.

"The Seat Belt Defense Reconsidered: A Return to Accountability in Tort Law?" (Robert M. Ackerman), v. 36, p. 607.

SEXUAL HARASSMENT.

"Protecting the Righteous Employer Against Abusive Sexual Harassment Claims: Two Modest Proposals" (Rafael Chodos), v. 45, p. 271.

"Recent Developments in Sexual Harassment Law" (Rachael A. Hetherington and Barbara Childs Wallace), v. 42, p. 463.

"Workers' Compensation and Sexual Harassment in the Workplace: A Remedy for Employees, or a Shield for Employers?" (Ruth C. Vance), v. 44, p. 1.

SPOLIATION.

"Do Not Fold, Spondle or Mutilate: The Trend Toward Recognition of Spoliation as a Separate Tort" (Terry R. Spencer), v. 43, p. 723.

SPORTS.

"Batter Up!: Are Youth Baseball Leagues Overlooking the Safety of Their Players?" (Daniel Nestel), v. 44, p. 167.

"Injury on the Golf Course: Regardless of Your Handicap, Escaping Liability is Par for the Course" (Louis J. DeVoto), v. 44, p. 333.

SPORTS—Cont'd

"Running Scared: Negligence and the Running Boom" (Russ VerSteeg), v. 44, p. 443.
"Torts and Sports: Participant Liability to Co-Participants for Injuries Sustained During Competition" (Daniel E. Lazaroff), v. 41, p. 183.

STRICT LIABILITY.

"A Practical Approach to State of the Art Evidence in Strict Products Liability Cases" (Gary C. Robb), v. 32, p. 155.
"Comparative Negligence in Strict Products Liability: The Courts Render the Final Judgment" (Todd P. Leff and Joseph V. Pinto), v. 35, p. 267.
"Design Defect" in Products Liability: Rethinking Negligence and Strict Liability" (Frank J. Vandall), v. 31, p. 517.
"Distinguishing Between Products and Services in Strict Liability" (William C. Powers, Jr.), v. 33, p. 423.
"Foreseeability in Contract and Tort: The Problems of Responsibility and Remoteness" (Banks McDowell), v. 36, p. 65.
"Recovery for Psychic Harm in Strict Products Liability: Has the Interest in Psychic Equilibrium Come the Final Mile?" (Susanah M. Mead), v. 35, p. 193.
"Strict Products Liability: The Original Intent" (George L. Priest), v. 39, p. 279.
"The Case Against Strict Liability" (Alan Schwartz), v. 42, p. 531.
"The Duty to Warn and Instruct for Safe Use in Strict Liability" (James B. Sales), v. 31, p. 267.

SUMMARY JUDGMENT.

"Summary Judgment: Taming the Beast of Burden" (Linda S. Mullenix), v. 37, p. 529.

T

THERMOGRAPHY.

"Thermography: Friend, Foe or Foolishness" (Daniel N. Burton), v. 33, p. 499.

TOXIC TORTS.

"Causal Chains and Statistical Links: The Role of Scientific Uncertainty in Hazardous Substance Litigation" (Troyen A. Brennen), v. 38, p. 189.

INDEX OF ARTICLES

TOXIC TORTS—Cont'd

"Curing Cancerphobia Phobia: Reasonableness Redefined" (Glen Donath), v. 45, p. 337.

"Fear of Disease and Delayed Manifestation Injuries: A Solution or a Pandora's Box?" (Terry Morehead Dworkin), v. 35, p. 1.

"Psychoneurologic Disorders: Emerging Toxic Tort Claims in the 1990s" (Myron S. Weinberg and Steven B. Bisbing), v. 40, p. 607.

"Radon Gas: Contractor Liability for an Indoor Health Hazard" (Carolyn M. Shuko), v. 37, p. 361.

"Recovery for Cancerphobia and Increased Risk of Cancer" (Fournier J. Gale, III and James L. Goyer, III), v. 35, p. 443.

"Strategic and Scientific Considerations in Toxic Tort Defense" (Richard O. Faulk), v. 35, p. 405.

"Tort Actions for Medical Monitoring: Warranted or Wasteful" (Susan L. Martin & Jonathan D. Martin), v. 45, p. 163.

"Toxic Substances Control Act" (Mary Devine Worobec), v. 35, p. 55.

"Trial by Lottery: The Misuse of Epidemiology and Statistics to Prove Causation in Drug and Chemical Litigation" (Richard J. Heafey), v. 38, p. 673.

V

VOIR DIRE EXAMINATION OF JURORS.

"A Trial Judge's Observation About Voir Dire Examination" (Judge Walter E. Jordan), v. 30, p. 223.

"The Admissibility of Insurance Questions During Voir Dire: A Critical Survey of Federal Approaches and Proposals for Change" (Alan Calnan), v. 42, p. 135.

W

WILLS AND ESTATES.

"Legal Malpractice in Estate Planning—Perilous Times Ahead for the Practitioner" (Gerald P. Johnston), v. 31, p. 417.

WITNESSES.

"Conducting Informal Discovery of a Party's Former Employees: Legal and Ethical Concerns and Constraints" (Susan J. Becker), v. 42, p. 239.

WITNESSES—Cont'd

"*Procuring Trial Testimony from Corporate Officers and Employees: Alternative Methods and Suggestions for Reform*" (Richard J. Oparil), v. 43, p. 161.
"*Witness Preparation*" (John S. Applegate), v. 39, p. 457.

WORKERS' COMPENSATION.

"*Fear of Disease and Delayed Manifestation Injuries: A Solution or a Pandora's Box?*" (Terry Morehead Dworkin), v. 35, p. 1.
"*Mental Injury in Workers' Compensation: Psychodiagnostic Implications*" (Donald A. Eisner), v. 37, p. 107.
"*Psychological Autopsy: Clinical and Legal Perspectives*" (James R. P. Ogloff & Randy K. Otto), v. 43, p. 597.
"*Recovery for Cancerphobia and Increased Risk of Cancer*" (Fournier J. Gale, III and James L. Goyer, III), v. 35, p. 443.
"*Workers' Compensation and Occupational Disease: A Return to Original Intent*" (Ellen R. Peirce and Terry Morehead Dworkin), v. 38, p. 633.
"*Workers' Compensation and Product Liability: The Interaction of a Tort and a Non-Tort Regime*" (Paul C. Weiler), v. 39, p. 415.
"*Workers' Compensation and Sexual Harassment in the Workplace: A Remedy for Employees, or a Shield for Employers?*" (Ruth C. Vance), v. 44, p. 1.

WORK PRODUCT DOCTRINE.

"*Opinion Work Product: Solving the Dilemma of Compelled Disclosure*" (Michael E. Wolfson), v. 34, p. 641.
"*The Work Product Doctrine: Protection, Not Privilege*" (Sherman L. Cohn), v. 33, p. 25.
"*Work Product Privilege and Discovery of Expert Testimony: Resolving the Conflict Between Federal Rules of Civil Procedure 26(b)(3) and 26(b)(4)*" (Jan W. Henkel and O. Lee Reed), v. 39, p. 565.

INDEX OF AUTHORS

A

ACHAMPOONG, FRANCIS.

"Common Law Liability of Accountants for Negligence to Non-Contractual Parties: Recent Developments," v. 37, p. 203.

ACKERMAN, ROBERT M.

"The Seat Belt Defense Reconsidered: A Return to Accountability in Tort Law?," v. 36, p. 607.

ALFINI, JAMES J.

"Summary Jury Trials in State and Federal Courts: A Comparative Analysis of the Perceptions of Participating Lawyers," v. 39, p. 251.

ALLEN, JEFFRY.

"Computers and the Litigator," v. 34, p. 183.

ANCHOR, KENNETH N.

"Fundamentals of Disability Determination and Rehabilitation: A Higher Ground for the Applied Neurobehavioral Sciences," v. 36, p. 363.

APPLEGATE, JOHN S.

"Witness Preparation," v. 39, p. 457.

ARKES, HAL R.

"Medical Malpractice v. The Business Judgment Rule: Differences in Hindsight Bias," v. 45, p. 59.

AUSNESS, RICHARD C.

"Retribution and Deterrence: The Role of Punitive Damages in Products Liability Litigation," v. 35, pp. 467, 625; v. 36, p. 109.

"Surrogate Immunity: The Government Contract Defense and Products Liability," v. 36, p. 537.

B

BAGBY, JOHN W.

"The Controversy over Third Party Rights: Toward More Predictable Parameters of Auditor Liability," v. 38, p. 365.

DEFENSE LAW JOURNAL

BARES, BARBARA H.

"Federal Reform of Product Liability Law: A Solution That Will Work," v. 34, p. 19.

BARTH, JEFFREY T.

"Fundamentals of Disability Determination and Rehabilitation: A Higher Ground for the Applied Neurobehavioral Sciences," v. 36, p. 363.

BAXTER, RALPH H.

"Wrongful Termination Lawsuits: The Employers Finally Win a Few," v. 34, p. 205.

BECKER, SUSAN J.

"Conducting Informal Discovery of a Party's Former Employees: Legal and Ethical Concerns and Constraints," v. 42, p. 239.

BERRY, DENNIS J.

"Characteristics and Behavior of Fire," v. 34, p. 243.

BERTIN, WILLIAM J.

"Discount Rates Currently Used to Compute the Present Value of Pecuniary Losses: Results of a Recent Survey," v. 42, p. 773.

BEST, FRANKLIN L., JR.

"Statutes and Regulations Controlling Life and Health Insurance Claim Practice," v. 29, p. 115; v. 31, p. 93.

BEVERIDGE, NORWOOD P., JR.

"The Corporate Director's Duty of Care: Riddles Wisely Expounded," v. 41, p. 519.

BISBING, STEVEN B.

"Psychoneurologic Disorders: Emerging Toxic Tort Claims in the 1990s," v. 40, p. 607.

BLINKA, DANIEL D.

"Delusion or Despair: The Concept of Limited Admissibility in the Law of Evidence," v. 39, p. 657.

BLOCK, HAL G.

"Architects' Expanded Liability Under Design-Build/Construction Contracting," v. 33, p. 325.

BLOCK, STEPHEN F.

"Protecting the Confidentiality of Corporate Internal Investigations and Compliance Audits," v. 45, p. 497.

INDEX OF AUTHORS

BODINE, LARRY.

"The Case Against Guaranteed Verdict Agreements," v. 29, p. 233.

BORLAND, MELVIN V.

"How Labor Productivity Growth Projections Overstate Lifetime Earnings," v. 34, p. 137.

BOWDRE, KARON O.

"Conflicts of Interest Between Insurer and Insured: Ethical Traps for the Unsuspecting Defense Counsel," v. 44, p. 249.

BRACKINGS, LINDA WILLETT.

"Liability of Physicians, Pharmacists and Hospitals for Adverse Drug Reactions," v. 34, p. 273.

BRAGG, MICHAEL E.

"Punitive Damages: An Insurer's Lament," v. 34, p. 483.

BRAIOTTA, LOUIS, JR.

"Corporate Audit Committees: Reducing Directors' Legal Liabilities," v. 34, p. 689.

BRAITHWAITE, WILLIAM T.

"How is Technology Affecting the Practice and Profession of Law?" v. 41, p. 285.

BRAZIL, WAYNE D.

"Protecting the Confidentiality of Settlement Negotiations," v. 38, p. 283.

BRENNAN, PATRICK W.

"Standards of Appellate Review," v. 33, p. 377.

BRENNAN, TROYEN A.

"Causal Chains and Statistical Links: The Role of Scientific Uncertainty in Hazardous Substance Litigation," v. 38, p. 189.

BRODEUR, MARK C.

"Building Chinese Walls: Current Implementation and a Proposal for Reforming Law Firm Disqualification," v. 38, p. 259.

BROWDER, OLIN L.

"The Taming of a Duty—The Tort Liability of Landlords," v. 32, p. 497.

BURTON, DANIEL N.

"Thermography: Friend, Foe or Foolishness," v. 33, p. 499.

DEFENSE LAW JOURNAL

BUTLER, WILLIAM P.

"The Defense of Suits by 'High-Income' Plaintiffs and Some General Observations and Suggestions," v. 40, p. 453.

C

CAIN, RITA M.

"Jar Wars: Drug Testing Advice for Private Sector Employers," v. 37, p. 257.

CALEY, STEVEN P.

"Representing Corporate Plaintiffs in Complex Litigation," v. 45, p. 519.

CALLAGHAN, JOE.

"Corporate Audit Committees: Reducing Directors' Legal Liabilities," v. 34, p. 689.

CALNAN, ALAN.

"The Admissibility of Insurance Questions During Voir Dire: A Critical Survey of Federal Approaches and Proposals for Change," v. 42, p. 135.

CAMISA, VANCE G.

"The Trade Association and Product Safety Standards: Of Good Samaritans and Liability," v. 39, p. 1.

CANN, WESLEY A., JR.

"Frivolous Lawsuits—The Lawyer's Duty to Say 'No,'" v. 31, p. 25.

CARAGONNE, PENELOPE.

"The Use of the Berla Scale in Quantifying Hedonic Damages: A Case-Management Perspective," v. 43, p. 545.

CERNIGLIA, TIMOTHY W.

"Computer-Generated Exhibits — Demonstrative, Substantive, or Pedagogical — Their Place in Evidence," v. 44, p. 299.

CHODOS, RAFAEL.

"Protecting the Righteous Employer Against Abusive Sexual Harassment Claims: Two Modest Proposals," v. 45, p. 271.

CHRISTENSEN, A. SHERMAN.

"Should the States Adopt Rules Patterned after the Federal Rules of Evidence," v. 28, p. 101.

INDEX OF AUTHORS

CHRISTENSEN, A. SHERMAN—Cont'd

"Some Reflections on the Nature and Future of the Adversary System," v. 30, p. 325.

CLASSEN, H. WARD.

"Hospital Liability for Independent Contractors: Where Do We Go From Here?," v. 37, p. 75.

COHN, SHERMAN L.

"The Work-Product Doctrine: Protection, Not Privilege," v. 33, p. 25.

COLE, KENNETH B., JR.

"Punitive Damages: A Relic That Has Outlived Its Origin," v. 34, p. 429.

COOK, DOUGLAS H.

"Practitioner's Notebook: How I Spent My Sabbatical, or What Happens When a Torts Professor Is a Juror in a Negligence Case," v. 44, p. 705.

COWAN, DALE H.

"Innovative Therapy: The Responsibility of Hospitals," v. 33, p. 623.

CRUMP, DAVID.

"Evaluating Independent Torts Based upon 'Intentional' or 'Negligent' Infliction of Emotional Distress: How Can We Keep the Baby from Dissolving in the Bath Water?," v. 42, p. 583.

CUNNINGHAM, THOMAS J.

"Admission of Business Records into Evidence: Using the Business Records Exception and Other Techniques," v. 41, p. 675.

D

DAHLQUIST, ROBERT P.

"Common Knowledge in Medical Malpractice Litigation: A Diagnosis and Prescription," v. 32, p. 399.

DANIELS, STEPHEN.

"Tracing the Shadow of the Law: Jury Verdicts in Medical Malpractice Cases," v. 40, p. 415.

DAVIS, JULIA A.

"Prevention and Defense of Wrongful Discharge Suits in the Corporate Sector," v. 38, p. 51.

DEFENSE LAW JOURNAL

DAVIS, MARY J.

"Design Defect Liability: In Search of a Standard of Responsibility," v. 43, p. 425.

DAVIS, MICHAEL J.

"A Fresh Look at Premises Liability as Affected by the Warranty of Habitability," v. 33, p. 525.

DAWSON, JOHN M.

"Cross-Examination of the Quantitative Expert," v. 32, p. 259.

DEAR, JAKE.

"Comparative Fault and Intentional Torts: Doctrinal Barriers and Policy Considerations," v. 34, p. 383.

DeLaTORRE, PHILLIP E.

"A Fresh Look at Premises Liability as Affected by the Warranty of Habitability," v. 33, p. 525.

DEVOTO, LOUIS J.

"Injury on the Golf Course: Regardless of Your Handicap, Escaping Liability is Par for the Course," v. 44, p. 333.

DIGGES, EDWARD S., JR.

"Choice of Law in Product Liability Actions: Order for the Practitioner in a Reign of Chaos," v. 33, p. 467.

DONATH, GLEN.

"Curing Cancerphobia Phobia: Reasonableness Redefined," v. 45, p. 337.

DORÉ, MATTHEW G.

"Presumed Innocent? Financial Institutions, Professional Malpractice Claims, and Defenses Based on Management Misconduct," v. 45, p. 189.

DOUTHWAITE, GRAHAM.

"Jury Instructions, Pattern or Otherwise," v. 29, p. 335.

DOWLING, DONALD C.

"A Contract Theory for a Complex Tort: Limiting Interference with Contract Beyond the Unlawful Means Test," v. 35, p. 503.

DUKE, KAREN K.

"Some Aspects of Potential Disclosure of Confidential Computerized Legal Materials," v. 33, p. 569.

INDEX OF AUTHORS

DWORKIN, TERRY MOREHEAD.

"Fear of Disease and Delayed Manifestation Injuries: A Solution or a Pandora's Box?", v. 35, p. 1.

"Product Liability of the 1980s: 'Repose Is Not the Destiny' of Manufacturers," v. 32, p. 351.

"Workers' Compensation and Occupational Disease: A Return to Original Intent," v. 38, p. 633.

E

EGAN, THOMAS P.

"Admission of Business Records into Evidence: Using the Business Records Exception and Other Techniques," v. 41, p. 675.

EHRHARDT, CHARLES W.

"The Conflict Concerning Expert Witnesses and Legal Conclusions," v. 39, p. 575.

EISNER, DONALD A.

"Mental Injury in Workers' Compensation: Psychodiagnostic Implications," v. 37, p. 107.

EMERICK, MERRILL G.

"Disclosure of Confidential Medical Information: Countervailing Pressures on Physicians," v. 28, p. 393.

EMERSON, ROBERT W.

"Insurance Adjusters and Plaintiffs' Attorneys: From Claims Fraud Consensus to Settlement Reform," v. 43, p. 43.

ENTMAN, JUNE F.

"Compulsory Joinder of Compensating Insurers: Federal Rule of Civil Procedure 19 and the Role of Substantive Law," v. 44, p. 363.

"Mary Carter Agreements: An Assessment of Attempted Solutions," v. 37, p. 1.

ERARD, BARBARA HUGHES.

"Ex Parte Interviews with Plaintiffs Treating Physicians: The Offensive Use of the Physician-Patient Privilege," v. 40, p. 321.

F

FAIN, CONSTANCE FRISBY.

"Accountant Liability" (Constance Frisby Fain), v. 45, p. 111.

DEFENSE LAW JOURNAL

FARRELL, MICHAEL J.

"Medication Malpractice: Claims, Culprits, and Defenses," v. 42, p. 315.

FAULK, RICHARD O.

"Strategic and Scientific Considerations in Toxic Tort Defense," v. 35, p. 405.

FAUST, DAVID.

"Challenging Post-Traumatic Stress Disorder Claims," v. 38, p. 407.

FELIX-RETZKE, JOANN.

"Causes of Legal Malpractice," v. 33, p. 447.

FISCHER, JAMES M.

"Why Are Insurance Contracts Subject to Special Rules of Interpretation?," v. 42, p. 385.

FLOYD, DAISY HURST.

"Can the Judge Do That? — The Need for a Clearer Judicial Role in Settlement," v. 43, p. 673.

FORTNEY, SUSAN SAAB.

"Am I My Partner's Keeper? Peer Review in Law Firms," v. 44, p. 547.

FREYFOGLE, ERIC T.

"A Comprehensive Theory of Condominium Tort Liability," v. 37, p. 575.

FRIEDLAND, STEVEN I.

"The Competency and Responsibility of Jurors in Deciding Cases," v. 40, p. 517.

FULMER, JOHN G., JR.

"Discount Rates Currently Used to Compute the Present Value of Pecuniary Losses: Results of a Recent Survey," v. 42, p. 773.

G

GALE, FOURNIER J., III.

"Recovery for Cancerphobia and Increased Risk of Cancer," v. 35, p. 443.

INDEX OF AUTHORS

GARCIA, CAROL HENDERSON.

"Expert Witness Malpractice: A Solution to the Problem of the Negligent Expert Witness," v. 42, p. 195.

GELB, HARVEY.

"Director Due Care Liability: An Assessment of the New Statutes," v. 38, p. 141.

GEMIGNANI, MICHAEL C.

"Product Liability and Software," v. 31, p. 334.

GHIARDI, JAMES D.

"Comparative Negligence: Effect on Punitive Damages," v. 37, p. 297.

"Punitive Damages Awards: An Expanded Judicial Role," v. 39, p. 69.

GLASER, RICHARD A.

"Ex Parte Interviews with Plaintiffs Treating Physicians: The Offensive Use of the Physician-Patient Privilege," v. 40, p. 321.

GORMLEY, R. JAMES.

"The Foreseen, the Foreseeable and Beyond—Accountants' Liability to Nonclients," v. 34, p. 75.

GOYER, JAMES L. III.

"Recovery for Cancerophobia and Increased Risk of Cancer," v. 35, p. 443.

GRADY, MARK F.

"Why Are People Negligent? Technology, Nondurable Precautions and the Medical Malpractice Explosion," v. 38, p. 1.

GRAZIANO, SUE GANSKE.

"Computer Malpractice: A New Tort on the Horizon?," v. 40, p. 711.

GREENE, EDITH.

"On Juries and Damage Awards: The Process of Decision Making," v. 40, p. 387.

GROSS, SAMUEL R.

"Getting to 'No': A Study of Settlement Negotiations and the Selection of Cases for Trial," v. 41, p. 377.

GRUNES, ALLEN P.

"Exclusion of Plaintiffs from the Courtroom in Personal Injury Actions: A Matter of Discretion or Constitutional Right?," v. 38, p. 97.

DEFENSE LAW JOURNAL

H

HAIG, ROBERT L.

"Representing Corporate Plaintiffs in Complex Litigation," v. 45, p. 519.

HANS, VALERIE P.

"Jurors' Views of Civil Lawyers: Implications for Courtroom Communication," v. 43, p. 121.

HARDIE, WILLIAM H., JR.

"Foreseeability: A Murky Crystal Ball for Predicting Liability," v. 42, p. 713.

HART, DANIELLE K.

"Rule 11 and State Courts: Panacea or Pandora's Box?," v. 41, p. 185.

HARTSFIELD, WILLIAM E.

"Medical Examinations as a Method of Investigating Employee Wrongdoing," v. 36, p. 251.

"Polygraphs," v. 35, p. 289.

HAVRILESKY, THOMAS.

"New Evidence on Long Term Real Interest Rates," v. 38, p. 693.

"Revisiting the Misapplication of the 'Hedonic Damages' Concept to Wrongful Death and Personal Injury Litigation," v. 43, p. 533.

HEAFY, RICHARD J.

"Trial by Lottery: The Misuse of Epidemiology and Statistics to Prove Causation in Drug and Chemical Litigation," v. 38, p. 673.

HENDERSON, ROGER C.

"The Tort of Bad Faith in First-Party Insurance Transactions after Two Decades," v. 45, p. 611.

HENKE, MICHAEL J.

"The Taking and Use of Videotaped Depositions," v. 42, p. 559.

HENKEL, JAN W.

"Work Product Privilege and Discovery of Expert Testimony: Resolving the Conflict Between Federal Rules of Civil Procedure 26(b)(3) and 26(b)(4)," v. 38, p. 565.

HETHERINGTON, RACHAEL A.

"Recent Developments in Sexual Harassment Law," v. 42, p. 463.

INDEX OF AUTHORS

HILL, DAVID W.

"Products Liability of a Successor Corporation: Acquisition of 'Bad Will' with 'Good Will,'" v. 32, p. 55.

HOCH, WYATT A.

"Liability of Engineers for Structural Design Errors: State of the Art Considerations in Defining the Standard of Care," v. 35, p. 319.

HOFFMAN, JONATHAN M.

"Res Ipsa Loquitur and Indeterminate Product Defects: If They Speak for Themselves, What Are They Saying?" v. 44, 671.

HOFFMAN, PETER TOLL.

"Valuation of Cases for Settlement: Theory and Practice," v. 41, p. 1.

HOLLISTER, GAIL D.

"Parent-Child Immunity: A Doctrine in Search of Justification," v. 32, p. 213.

HOLLOWELL, EDWARD E.

"Does Hospital Corporate Liability Extend to Medical Staff Supervision?," v. 32, p. 203.

HOLT, DONNA K.

"Wrongful Pregnancy," v. 31, p. 370.

HORNSTEIN, ALAN D.

"Hospitals' Liability for Physicians' Malpractice," v. 35, p. 541.

HOWARD, DAVIS J.

"Declaratory Judgment Coverage Actions: A Multistate Survey and Analysis and State Versus Federal Law Comparison," v. 44, p. 517.

HUFF, DIANA L. NOLTE.

"Liability Issues Arising from Hospitals' Use of Temporary Supplemental Staff Nurses," v. 40, p. 663.

HYLER, STEVEN E., M.D.

"Where, in DSM-III-R, Is 'Compensation Neurosis'?", v. 37, p. 511.

DEFENSE LAW JOURNAL

I

IMWINKELRIED, EDWARD J.

"A New Antidote for an Opponent's Pretrial Discovery Misconduct: Treating the Misconduct at Trial as an Admission by Conduct of the Weakness of the Opponent's Case," v. 43, p. 189.

INGRAM, JOHN D.

"The Distinction Between Accidental Means and Accidental Results in Accidental Death Insurance," v. 33, p. 593.

J

JAEGAR, MARK S.

"Contractor Liability for Design Defects Under the Inspection Clause: Latent Design Defects—A Sleeping Giant?," v. 42, p. 359.

JANULIS, DIANE M.

"Hospitals' Liability for Physicians' Malpractice," v. 35, p. 541.

JARRELL, STEPHEN B.

"Obtaining the Ideal Discount Rate in Wrongful Death and Injury Litigation," v. 32, p. 191.

JAY, STEWART.

"Juror Agreement on the Basis of Negligence," v. 39, p. 85.

JOHNSON, D. THOMAS.

"Defense of a Railroad Crossing Accident Case," v. 29, p. 449.

JOHNSTON, GERALD P.

"Legal Malpractice in Estate Planning—Perilous Times Ahead for the Practitioner," v. 31, p. 417.

JONES, JAMES T. R.

"Evidentiary Autopsies," v. 40, p. 251.

"Trains, Trucks, Trees, and Shrubs: Vision-Blocking Natural Vegetation and a Landowner's Duty to Those Off the Premises," v. 45, p. 463.

JORDAN, WALTER E.

"A Trial Judge's Observations About Voir Dire Examination," v. 30, p. 223.

INDEX OF AUTHORS

K

KAMP, ALLEN R.

"Federal Adjudication of Facts: The New Regime," v. 39, p. 339.

KAPP, MARSHALL B.

"DRG Reimbursement and Medical Malpractice Liability," v. 34, p. 221.

KARLSON, HENRY C.

"Criminal Judgments as Proof of Civil Liability," v. 31, p. 173.

KAUFFMAN, S. BLAIR.

"Electronic Databases in Legal Research: Beyond LEXIS and WESTLAW," v. 37, p. 223.

KNEBEL, DONALD E.

"Antitrust Counseling: The Five Factors of Antitrust Liability," v. 34, p. 149.

KNEPPER, WILLIAM E.

"Review of Recent Tort Trends," v. 28, p. 1; v. 29, p. 1; v. 30, p. 1; v. 31, p. 1; v. 32, p. 1; v. 33, p. 1; v. 34, p. 1.

KOFFLER, JOSEPH H.

"Legal Malpractice Damages in a Trial Within a Trial—A Critical Analysis of Unique Concepts: Areas of Unconscionability," v. 40, p. 79.

"Legal Malpractice Statutes of Limitations: A Critical Analysis of a Burgeoning Crisis," v. 36, p. 405.

KORNBLUM, GUY O.

"Defending Insurers Charged with Wrongful Termination of an Agent," v. 32, p. 555.

"Recent Cases Interpreting the Implied Covenant of Faith and Fair Dealing," v. 30, p. 411.

"Royal Globe v. Superior Court: Its Impact on Litigation Involving Insurers," v. 29, p. 355.

"The Role of the Life, Health & Accident Insurer's Medical Director in Extra-Contract Claims Litigation," v. 28, p. 205.

KORRELL, HARRY J. F.

"The Liability of Mentally Disabled Tort Defendants," v. 45 p. 650.

DEFENSE LAW JOURNAL

KRAMER, LARRY.

"Rethinking Choice of Law," v. 40, p. 1.

KRAUTHOUS, PATRICIA A.

"Computer Error and User Liability Risk," v. 35, p. 579.

KUTNER, PETER B.

"Bibliography: Contribution Among Tortfeasors," v. 33, p. 219.

L

LA CROIX, SUMNER J.

"Lost Earnings Calculations and Tort Law: Reflections on the Pfeifer Decision," v. 36, p. 291.

LaMARCA, GEORGE A.

"Overintrusive Surveillance of Plaintiffs in Personal Injury Cases," v. 35, p. 603.

LANGUM, DAVID L.

"Uncodified Federal Evidence Rules Applicable to Civil Trials," v. 33, p. 59.

LAZAROFF, DANIEL E.

"Torts and Sports: Participant Liability to Co-Participants for Injuries Sustained During Competition," v. 41, p. 183.

LEEBRON, DAVID W.

"Final Moments: Damages for Pain and Suffering Prior to Death," v. 39, p. 133.

LEFF, TODD P.

"Comparative Negligence in Strict Products Liability: The Courts Render the Final Judgment," v. 35, p. 267.

LEONARD, DAVID P.

"Appellate Review of Evidentiary Rulings," v. 42, p. 1.

LEVARY, REUVEN R.

"Some Aspects of Potential Disclosure of Confidential Computerized Legal Materials," v. 33, p. 569.

LEWIS, SCOTT M.

"Defense of Emergency Medicine Malpractice Cases," v. 37, p. 625.

INDEX OF AUTHORS

LINSTROMBERG, KATHRYN.

"The Practitioner's Guide to Informed Consent," v. 41, p. 73.

LONGAN, PATRICK E.

"The Shot Clock Comes to Trial: Time Limits for Federal Civil Trials," v. 43, p. 221.

LUBET, STEVEN.

"The Opening Moment," v. 43, p. 1.

M

MAKULSKI, MICHAEL.

"Expert Testimony in Technically Complex Litigation," v. 40, p. 697.

MANTA, JOSEPH G.

"Protecting the Confidentiality of Corporate Internal Investigations and Compliance Audits," v. 45, p. 497.

MARCUS, ERIC H., M.D.

"Defending Mental Injury Claims: Cross-Examining the Plaintiff's Expert Witness," v. 36, p. 141.

"Malingering or Mental Distress?," v. 35, p. 705.

"Medicine in the Courtroom: How Much Objectivity?," v. 36, p. 529.

MARKATOS, DAVID.

"Property Law: The Growing Accountability of Landlords for Third-Party Criminal Attacks," v. 41, p. 729.

MARTELL, DANIEL A.

"Fundamentals of Disability Determination and Rehabilitation: A Higher Ground for the Applied Neurobehavioral Sciences," v. 36, p. 363.

MARTIN, JONATHAN D.

"Tort Actions for Medical Monitoring: Warranted or Wasteful," v. 45, p. 163.

MARTIN, SUSAN L.

"Tort Actions for Medical Monitoring: Warranted or Wasteful," v. 45, p. 163.

MASSEY, M. MINETTE.

"Depositions of Corporations: Problems and Solutions—Fed. R. Civ. P. 30(b)(6)," v. 36, p. 319.

DEFENSE LAW JOURNAL

MATHEW, PAUL A.

"Architects, Engineers, Computer Product and the Law: A Matter of Anticipation," v. 32, p. 213.

McDOWELL, BANKS.

"Foreseeability in Contract and Tort: The Problems of Responsibility and Remoteness," v. 36, p. 65.

McMUNIGAL, KEVIN C.

"The Costs of Settlement: The Impact of Scarcity of Adjudication on Litigating Lawyers," v. 39, p. 607.

MEAD, SUSANAH M.

"Recovery for Psychic Harm in Strict Products Liability: Has the Interest in Psychic Equilibrium Come the Final Mile?," v. 35, p. 193.

MEAD, TERRANCE C.

"Suing Media for Emotional Distress: A Multi-Method Analysis of Tort Law Evolution," v. 33, p. 283.

MEESE, ALAN J.

"Inadvertent Waiver of the Attorney-Client Privilege by Disclosure of Documents: An Economic Analysis," v. 40, p. 119.

MILLER, H. LAURENCE, JR.

"Lost Earnings Calculations and Tort Law: Reflections on the Pfeifer Decision," v. 36, p. 291.

MILLER, RICKY S.

"Psychological Approaches to Chronic Pain: Assessment and Treatment," v. 36, p. 521.

MOBILIA, MARCIA A.

"Hospital Corporate Liability: Toward a Stricter Standard for Administrative Services," v. 35, p. 157.

MOCH, JOSEPH WILLIAM.

"Neuropsychological Evaluation in Traumatic Head Injury: A New Tool for Attorneys," v. 37, p. 499.

MOLLER, SID L.

"The Revolution That Wasn't: On the Business-as-Usual Aspects of Employment-at-Will," v. 43, p. 369.

INDEX OF AUTHORS

MORGAN, DEANNE.

"Emergency Room Follow-Up Care and Malpractice Liability," v. 45, p. 297.

MOSES, A. L.

"Role of the Lawyer in a Changing Environment (The Impact of Computer Technology)," v. 36, p. 677.

MULLENIX, LINDA S.

"Summary Judgment: Taming the Beast of Burdens," v. 37, p. 529.

MURG, GARY E.

"Employment at Will: Do Exceptions Overwhelm the Rule?," v. 32, p. 87.

N

NEMETH, ALEXANDER J.

"Litigating Head Trauma: The 'Hidden' Evidence of Disability," v. 39, p. 377.

NESTEL, DANIEL.

"Batter Up!: Are Youth Baseball Leagues Overlooking the Safety of Their Players?" v. 44, p. 167.

NIMMER, RAYMOND.

"Computer Error and User Liability Risk," v. 35, p. 579.

NORMAN, JANE C.

"Nurses and Malpractice," v. 33, p. 103.

O

OESTERLE, DALE A.

"Limits on a Corporation's Protection of Its Directors and Officers from Personal Liability," v. 33, p. 111.

OGLOFF, JAMES R. P.

"Psychological Autopsy: Clinical and Legal Perspectives," v. 43, p. 597.

O'MALLEY, ROBERT E.

"Preventing Legal Malpractice in Large Law Firms," v. 39, p. 25.

DEFENSE LAW JOURNAL

OPARIL, RICHARD J.

"*Procuring Trial Testimony from Corporate Officers and Employees: Alternative Methods and Suggestions for Reform*," v. 43, p. 161.

O'REILLY, JAMES T.

"*Risks of Assumptions: Impacts of Regulatory Label Warnings Upon Industrial Products Liability*," v. 37, p. 325.

ORTEGO, JOSEPH J.

"*Expert Testimony in Technically Complex Litigation*," v. 40, p. 697.

OSTFELD, LYNNE R.

"*The Distinction Between Accidental Means and Accidental Results in Accidental Death Insurance*," v. 33, p. 593.

OTTO, RANDY K.

"*Psychological Autopsy: Clinical and Legal Perspectives*," v. 43, p. 597.

OZIER, J. MICHAEL.

"*Prevention and Defense of Wrongful Discharge Suits in the Corporate Sector*," v. 38, p. 51.

P

PARVER, CORRINE PROPAS.

"*Defense of Delayed Diagnosis and Treatment of Breast Cancer*," v. 33, p. 77.

PASCHKE, RICHARD E.

"*Neuropsychological Evaluation in Traumatic Head Injury: A New Tool for Attorneys*," v. 37, p. 499.

PEACOCK, CLAUDE.

"*Fundamentals of Disability Determination and Rehabilitation: A Higher Ground for the Applied Neurobehavioral Sciences*," v. 36, p. 363.

PEARSON, RICHARD N.

"*Liability to Bystanders for Negligently Inflicted Emotional Harm—A Comment on the Nature of Arbitrary Rules*," v. 32, p. 275.

INDEX OF AUTHORS

PECK, JOHN C.

"Liability of Engineers for Structural Design Errors: State of the Art Considerations in Defining the Standard of Care," v. 35, p. 319.

PEIRCE, ELLEN R.

"Workers' Compensation and Occupational Disease: A Return to Original Intent," v. 38, p. 633.

PENDELL, JUDYTH W.

"Enhancing Juror Effectiveness: An Insurer's Perspective," v. 40, p. 555.

PERSCHBACHER, REX R.

"Regulating Lawyers' Negotiations," v. 35, p. 65.

PIERCE, STANLEY.

"Expert Testimony in Technically Complex Litigation," v. 40, p. 697.

PINCUS, LAURA B.

"Liability for the Health Hazards Resulting from the Use of Video Display Terminals: Who Must Pay?," v. 41, p. 329.

PINTO, JOSEPH V.

"Comparative Negligence in Strict Products Liability: The Courts Render the Final Judgment," v. 35, p. 267.

POWER, RICHARD W.

"A Defense of the Employment at Will Rule," v. 33, p. 199.

POWERS, WILLIAM C., JR.

"Distinguishing Between Products and Services," v. 33, p. 423.

PRENTICE, ROBERT A.

"Can the Contributory Negligence Defense Contribute to a Defusing of the Accountants' Liability Crisis?" v. 45, p. 541.

PRICE, KENNETH, Ph.D.

"Posttraumatic Stress Disorder and Concussion: Are They Incompatible?," v. 43, p. 113.

PRIEST, GEORGE L.

"Strict Products Liability: The Original Intent," v. 39, p. 279.

PRINCE, JOHN RANDOLPH III.

"Where No Minds Meet: Insurance Policy Interpretation and the Use of Drafting History," v. 44, p. 133.

DEFENSE LAW JOURNAL

PRYOR, WILLIAM H., JR.

"Applying Batson in Civil Trials: The Greatest Sideshow on Earth!"
v. 41, p. 575.

PULSINELLI, ROBERT W.

"How Labor Productivity Growth Projections Overstate Lifetime Earnings," v. 34, p. 137.

"Obtaining the Ideal Discount Rate in Wrongful Death and Injury Litigation," v. 32, p. 191.

"Using an Economist to Prepare a Defense in Wrongful Death or Injury Actions," v. 32, p. 491.

Q

QUINN, MICHAEL SEAN.

"Insurance Coverage Opinions," v. 44, p. 591.

QUINN, SEAN T.

"Prevention and Defense of Wrongful Discharge Suits in the Corporate Sector," v. 38, p. 51.

R

RADENSKY, JOSEPH H.

"The Child's Claim for Loss of Parental Consortium: The Prospects for the Nineties," v. 40, p. 355.

RAY, DOUGLAS E.

"Expert Testimony on Proximate Cause," v. 38, p. 539.

REED, O. LEE.

"Work Product Privilege and Discovery of Expert Testimony: Resolving the Conflict Between Federal Rules of Civil Procedure 26(b)(3) and 26(b)(4)," v. 38, p. 565.

REINSTEIN, ALAN.

"Corporate Audit Committees: Reducing Directors' Legal Liabilities," v. 34, p. 689.

REUTER, STEWART R., M.D.

"Legal Aspects of Angiography and Interventative Radiology," v. 34, p. 421.

"Toward a More Realistic and Consistent Use of Respondeat Superior in the Hospital," v. 34, p. 577.

INDEX OF AUTHORS

REYNOLDS, OSBORNE M., JR.

"Statute of Limitations Problems in Products Liability Cases," v. 36, p. 213.

RICH, BEN A.

"Malpractice Issues in the Academic Medical Center," v. 36, p. 641.

RICHEY, DANNY P.

"Document Control and Management in Complex Litigation," v. 38, p. 593.

"Guidelines and Techniques for Leading and Managing the Litigation Team," v. 42, p. 675.

RICHMAN, WILLIAM M.

"Expert Testimony on Proximate Cause," v. 38, p. 539.

RICHMOND, DOUGLAS R.

"Human Factors Experts in Personal Injury Litigation," v. 43, p. 639.

"Issues and Problems in 'Other Insurance,' Multiple Insurance, and Self-Insurance," v. 45, p. 365.

"Walking the Tightrope: The Tripartite Relationship Between Insurer, Insured, and Insurance Defense Counsel," v. 44, p. 479.

RISKIN, LEONARD L.

"The Represented Client in a Settlement Conference: The Lessons of G. Heileman Brewing Co. v. Joseph Oat Corp.," v. 41, p. 459.

RITTS, GEOFFREY J.

"Professional Responsibility and the Conflict of Laws," v. 44, p. 63.

ROBB, GARY C.

"A Practical Approach to State of the Art Evidence in Strict Products Liability Cases," v. 32, p. 155.

RODDY, KEVIN P.

"Practice and Procedure Under Amended Rule 11 of the Federal Rules of Civil Procedure," v. 36, p. 489.

ROGERS, JOSEPH P.

"Fundamentals of Disability Determination and Rehabilitation: A Higher Ground for the Applied Neurobehavioral Sciences," v. 36, p. 363.

ROGERS, THOMAS D., III.

"Wrongful Life and Wrongful Birth: Medical Malpractice in Genetic Counseling and Prenatal Testing," v. 31, p. 555.

DEFENSE LAW JOURNAL

ROLL, JOHN M.

"The Rules Have Changed: Amendments to the Federal Rules of Civil Procedure," v. 43, p. 577.

ROPIEQUET, JOHN L.

"Emotional Distress Claims in Medical Malpractice Cases," v. 40, p. 569.

ROUTH, PAUL J.

"Liabilities of Tax Preparers: An Overview," v. 34, p. 397.

ROZOVSKY, FAY A.

"Consent to Treatment: Exceptions to the Rules," v. 33, p. 579.

RUHNKA, JOHN C.

"The Controversy over Third Party Rights: Toward More Predictable Parameters of Auditor Liability," v. 38, p. 365.

RYAN, DAVID L.

"Hazards of Vexatious Conduct in Litigation," v. 30, p. 123.

S

SALES, JAMES B.

"Punitive Damages: A Relic That Has Outlived Its Origins," v. 34, p. 429.

"The Duty to Warn and Instruct for Safe Use in Strict Tort Liability," v. 31, p. 266.

SCHARMAN, CLIFFORD.

"Employment at Will: Do Exceptions Overwhelm the Rule?," v. 32, p. 87.

SCHIPANI, CINDY A.

"Medical Malpractice v. The Business Judgment Rule: Differences in Hindsight Bias," v. 45, p. 59.

SCHMIT, JOAN T.

"Insurance Versus Indemnification: An Argument for Stare Decisis," v. 34, p. 125.

SCHNEYER, TED.

"Professional Discipline for Law Firms," v. 42, p. 83.

SCHWARTZ, ALAN.

"The Case Against Strict Liability," v. 42, p. 531.

INDEX OF AUTHORS

SCHWARTZ, VICTOR E.

"Federal Reform of Product Liability Law: A Solution That Will Work," v. 34, p. 19.
"The Post-Sale Duty to Warn: Two Unfortunate Forks in the Road to a Reasonable Doctrine," v. 33, p. 261.

SHUGRUE, RICHARD E.

"The Practitioner's Guide to Informed Consent," v. 41, p. 73.

SHUKO, CAROLYN M.

"Radon Gas: Contractor Liability for an Indoor Health Hazard," v. 37, p. 361.

SILICIANO, JOHN A.

"Negligent Accounting and the Limits of Instrumental Tort Reform," v. 38, p. 481.

SIMONS, KENNETH W.

"Assumption of Risk and Consent in the Law of Torts: A Theory of Full Preference," v. 37, p. 121.

"The Puzzling Doctrine of Contributory Negligence," v. 45, p. 1.

SMITH, DAVID RANDOLPH.

"Battling a Receding Tort Frontier: Constitutional Attacks on Medical Malpractice Laws," v. 35, p. 359.

SODERQUIST, LARRY D.

"The Proper Standard for Directors' Negligence Liability," v. 41, p. 127.

SOLOMON, GARY S.

"Fundamentals of Disability Determination and Rehabilitation: A Higher Ground for the Applied Neurobehavioral Sciences," v. 36, p. 363.

SOMA, JOHN T.

"A Survey of Computerized Information for Lawyers: LEXIS, JURIS, WESTLAW and FLITE," v. 33, p. 181.

SPENCER, TERRY R.

"Do Not Fold, Spondle or Mutilate: The Trend Toward Recognition of Spoliation as a Separate Tort," v. 43, p. 723.

SPITZER, ROBERT L., M.D.

"Where, in DSM-III-R, Is 'Compensation Neurosis'?", v. 37, p. 511.

SPURGEON, LARRY.

"Determining the Scope of 'Bodily Injury or Property Damage' Under the Comprehensive General Liability Policy," v. 36, p. 467.

STEELE, L. KIMBERLY.

"Insurance Coverage Opinions," v. 44, p. 591.

STEELE, WALTER W., JR.

"Jury Instructions: A Persistent Failure to Communicate," v. 38, p. 427.

STEINBOCH, DANIEL J.

"Expert Testimony on Proximate Cause," v. 38, p. 539.

STEMPEL, JEFFREY W.

"Reassessing the 'Sophisticated' Policyholder Defense in Insurance Coverage Litigation," v. 44, p. 189.

"Sanctions, Symmetry, and Safe Harbors: Limiting Misapplication of Rule 11 by Harmonizing It with Pre-Verdict Dismissal Devices," v. 41, p. 237.

STERN, ANDREA R.

"A Survey of Computerized Information for Lawyers: LEXIS, JURIS, WESTLAW and FLITE," v. 33, p. 181.

STERN, DUKE NORDLINGER.

"Causes of Legal Malpractice," v. 33, p. 447.

SUPLEE, DENNIS R.

"Depositions—Objectives, Strategies, Tactics, Mechanics and Problems," v. 32, p. 425.

SWEIGART, KRISTA A.

"Jurors' Views of Civil Lawyers: Implications for Courtroom Communication," v. 43, p. 121.

SYVERUD, KENT D.

"Getting to 'No': A Study of Settlement Negotiations and the Selection of Cases for Trial," v. 41, p. 377.

"The Duty to Settle," v. 40, p. 155.

T

TANFORD, J. ALEXANDER.

"Closing Argument Procedure," v. 37, p. 401.

INDEX OF AUTHORS

THORNBURG, ELIZABETH G.

"Jury Instructions: A Persistent Failure to Communicate," v. 38, p. 427.

TIETZ, GERALD F.

"Informed Consent in the Prescription Drug Context: The Special Case," v. 36, p. 153.

TORNQUIST, LEROY J.

"The Active Judge in Pretrial Settlement: Inherent Authority Gone Awry," v. 39, p. 307.

TYLER, ROBERT M., JR.

"Practices and Strategies for a Successful Appeal," v. 43, p. 297.

U

UNDERWOOD, RICHARD H.

"Adversary Ethics: More Dirty Tricks," v. 32, p. 585.

"The Doctor and His Lawyer: Conflicts of Interest," v. 32, p. 25.

V

VANCE, RUTH C.

"Workers' Compensation and Sexual Harassment in the Workplace: A Remedy for Employees, or a Shield for Employers?" v. 44, p. 1.

VANDALL, FRANK J.

"Design Defect" in Products Liability: Rethinking Negligence and Strict Liability," v. 31, p. 517.

VARON, JAY N.

"Promoting Settlements and Limiting Litigation Costs by Means of the Offer of Judgment: Suggestions for Using and Revising Rule 68," v. 34, p. 345.

VERGARI, JAMES V.

"Evidential Value and Acceptability of Computer Digital-Image Printouts," v. 33, p. 275.

"Latent Legal Repercussions in Electronic Financial Services and Transactions," v. 34, p. 539.

VERSTEEG, RUSS.

"Running Scared: Negligence and the Running Boom," v. 44, p. 443.

DEFENSE LAW JOURNAL

W

WALKER, SAM.

"Forum Shopping for Stale Claims: Statutes of Limitations and Conflict of Laws," v. 39, p. 543.

WALLACE, BARBARA CHILDS.

"Recent Developments in Sexual Harassment Law," v. 42, p. 463.

WEAVER, GEORGE M.

"The Precedential Value of Unpublished Judicial Opinions," v. 38, p. 119.

WEBB, WILLIAM WOODWARD.

"Practice and Procedure Under Rule 11 of the Federal Rules of Civil Procedure," v. 36, p. 489.

WEILAND, DONALD G.

"Attorney Malpractice and the Trial Within a Trial: Time for a Change," v. 35, p. 677.

WEILER, PAUL C.

"Workers' Compensation and Product Liability: The Interaction of a Tort and a Non-Tort Regime," v. 39, p. 415.

WEIL, ROBERT I.

"Insurance Companies and Their Lawyers—The Cost Squeeze," v. 32, p. 391.

WEINBERGER, MICHAEL.

"The State of the Art and Products Liability," v. 28, p. 303.

WEINBERG, MYRON S.

"Psychoneurologic Disorders: Emerging Toxic Tort Claims in the 1990s," v. 40, p. 607.

WEISBARD, ALAN J.

"Informed Consent: The Law's Uneasy Compromise with Ethical Theory," v. 36, p. 341.

WELLINGTON, RALPH G.

"The Trade Association and Product Safety Standards: Of Good Samaritans and Liability," v. 39, p. 1.

INDEX OF AUTHORS

WESTENBERG, DAVID A.

"The Safety Belt Defense at Trial and in Out-of-Court Settlement," v. 36, p. 1.

WHARTON, MICHAEL T.

"Choice of Law in Product Liability Actions: Order for the Practitioner in a Reign of Chaos," v. 33, p. 467.

WILCZEK, ROBERT J.

"Corporate Confidentiality: Problems and Dilemmas of Corporate Counsel," v. 32, p. 321.

WILLIAMS, DOUGLAS L.

"Prevention and Defense of Wrongful Discharge Suits in the Corporate Sector," v. 38, p. 51.

WILLIAMS, JANET B. W.

"Where, in DSM-III-R, Is 'Compensation Neurosis'?" v. 37, p. 511.

WINTERS, STEVEN.

"The New Privacy Interest: Electronic Mail in the Workplace," v. 43, p. 491.

WOHL, JEFFRY D.

"Wrongful Termination Lawsuits: The Employers Finally Win a Few," v. 34, p. 205.

WOLFSON, MICHAEL E.

"Opinion Work Product: Solving the Dilemma of Compelled Disclosure," v. 34, p. 641.

WOODBURY, STEVEN E.

"Limiting Discovery of a Defendant's Wealth When Punitive Damages are Alleged," v. 34, p. 675.

WOROBEC, MARY DEVINE.

"The Toxic Substances Control Act," v. 34, p. 55.

Y

YAMAMOTO, ERIC K.

"Rule 11 and State Courts: Panacea or Pandora's Box?" v. 41, p. 185.

YAZEL, J. JOE, M.D.

"Evaluating Mental Injury and Impairment: The Major Theoretical Frameworks in Psychiatry," v. 32, p. 671.

DEFENSE LAW JOURNAL

Z

ZIPPERSTEIN, STEVEN E.

"Comparative Fault and Intentional Torts: Doctrinal Barriers and Policy Considerations," v. 34, p. 383.

ZISKIN, JAY.

"Challenging Post-Traumatic Stress Disorder Claims," v. 38, p. 407.

"Challenging the Plaintiff's Psychological Tests," v. 33, p. 507.
"New Terminology for the 'Traumatic Neurosis' Cases Challenging the Plaintiff's Psychiatrist," v. 32, p. 73.

INDEX OF SUBJECTS

A

ACCIDENT AND HEALTH INSURANCE.

Accidental means and accidental results, distinction, v. 33, pp. 593 to 621.

Anticipatory breach by insurer, v. 29, p. 78.

Articles.

“Defending Insurers Charged with Wrongful Termination of an Agent,” v. 32, p. 555.

“Recent Cases Interpreting the Implied Covenant of Good Faith and Fair Dealing,” v. 30, p. 411.

“Statutes and Regulations Controlling Life and Health Insurance Claims Practice--An Update,” v. 31, p. 92.

“The Distinction Between Accidental Means and Accidental Results in Accidental Death Insurance,” v. 33, pp. 593 to 621.

“The Role of the Life, Health and Accident Insurer’s Medical Director in Extra-Contract Claims Litigation,” v. 28, p. 205.

“The Tort of Bad Faith in First-Party Insurance Transactions After Two Decades,” v. 45, p. 611.

Collateral source issues, medical malpractice statutes, v. 28, pp. 68, 86.

Disability coverage.

Accidental means causation, v. 29, pp. 4, 5, 74, 75.

Attending physician’s statement, requirement, v. 28, p. 123.

Evaluation of impairment, v. 28, p. 123.

Permanency issues, v. 29, p. 75.

Federal court, jurisdictional amount, v. 29, p. 85.

Future benefits, lump-sum recovery, v. 29, pp. 4, 78.

Causation by accident or disease, v. 29, p. 75.

Life insurance.

See **LIFE INSURANCE.**

Medical director’s role in extra-contract claims, v. 28, pp. 205 to 237.

Medical evidence.

Permanency, v. 29, p. 75.

Statutes and regulations controlling claims practices.

Attorneys’ fees of claimant, v. 29, pp. 133 to 135; v. 31, p. 109.

Authority to issue policies, v. 29, pp. 139 to 141; v. 31, p. 109.

ACCIDENT AND HEALTH INSURANCE —Cont'd

Statutes and regulations controlling claims practices —Cont'd

Checklist, practices to avoid, v. 29, pp. 146 to 149; v. 31, pp. 110 to 114.

Interest on payments withheld, v. 29, pp. 135 to 139; v. 31, p. 109.

Model Act, v. 29, pp. 153 to 162; v. 31, p. 95.

Model regulation, v. 29, pp. 263 to 167; v. 31, pp. 95 to 102.

Sanctions imposed for violation, v. 29, pp. 126 to 129; v. 31, p. 108.

Surveillance of claimants, v. 35, pp. 603 to 624.

Tort liability, improper claims handling.

See INSURANCE.

ACCOUNTANTS.

Articles.

"Accountant Liability," v.45, p. 111.

"Can the Contributory Negligence Defense Contribute to a Defusing of the Accountants' Liability Crisis?," v. 45, p. 541.

"Common Law Liability of Accountants for Negligence to Non-Contractual Parties: Recent Developments," v. 37, p. 203.

"Evidential Value and Acceptability of Computer Digital-Image Printouts," v. 33, p. 275.

"Negligent Accounting and the Limits of Instrumental Tort Reform," v. 38, p. 481.

"Presumed Innocent? Financial Institutions, Professional Malpractice Claims, and Defenses Based on Management Misconduct," v. 45, p. 189.

"The Controversy over Third Party Rights: Toward More Predictable Parameters of Auditor Liability," v. 38, p. 365.

"The Foreseen, the Foreseeable, and Beyond—Accountants' Liability to Nonclients," v. 34, p. 75.

Comparative or contributory negligence, v. 45, pp. 152 to 156, 224 to 228, 541 to 610.

Computer digital-image printouts as evidence, v. 33, pp. 272 to 282.

Confidentiality breached, v. 31, p. 3.

Corporate confidentiality, v. 32, p. 342.

Estate planning errors, liability of accountants, v. 31, pp. 510 to 513.

FDIC actions, v. 45, pp. 189 to 270.

INDEX OF SUBJECTS

ACCOUNTANTS —Cont'd

Financial institutions, claims by or on behalf of, v. 45, pp. 189 to 270.
Financial reports not verified, v. 28, pp. 16, 17; v. 29, p. 14.
Malpractice claims, statistical data, v. 45, pp. 115 to 120.
Management misconduct as defense, v. 45, pp. 189 to 270.
Negligent audit, liability of accountant, v. 32, p. 7.
Scope of duty, v. 45, pp. 121 to 130.
Tax preparers, liability, v. 34, pp. 497 to 538; v. 45, pp. 143 to 145.
Third parties, liability to, v. 29, p. 14; v. 33, p. 8; v. 34, pp. 75 to 123; v. 37, pp. 203 to 222; v. 38, pp. 365 to 406, 481 to 537; v. 45, pp. 130 to 136.

ADMISSIONS AGAINST INTEREST.

Article.

“A New Antidote for an Opponent’s Pretrial Discovery Misconduct: Treating the Misconduct at Trial as an Admission by Conduct of the Weakness of the Opponent’s Case,” v. 43, p. 189.

Changed conditions after accident, products liability, v. 28, p. 430; v. 29, p. 326.

Cost award authorized by statutes, v. 29, p. 182.

Depositions, discovery.

Customary business procedures, v. 29, p. 201.

Defendant not “negligent volunteer,” v. 31, p. 223.

Discovery misconduct treated as admission of weak case, v. 43, pp. 189 to 220.

Knowledge of danger admitted, v. 28, pp. 433, 437; v. 31, p. 9.

Prior or subsequent injuries admitted, v. 30, p. 173.

Falsity of statements, defamation case, v. 28, p. 485.

Fraud action.

Absence of misrepresentations, v. 28, p. 273.

Terms of release understandable, v. 28, p. 273.

Judicial admissions.

Affidavit, v. 30, p. 150.

Attorney’s statements, v. 29, pp. 243, 244; v. 31, p. 136.

Defective construction of residence, warranty case, v. 29, p. 508.

Depositions, v. 28, p. 485; v. 29, p. 201; v. 30, p. 354; v. 31, p. 9.

Erroneous diagnosis, medical malpractice case, v. 30, p. 65.

Falsity of answers to interrogatories, v. 29, p. 42.

Future damages not to be incurred, v. 28, p. 96.

Insurer’s admission, v. 31, p. 170.

ADMISSIONS AGAINST INTEREST —Cont'd

Judicial admissions —Cont'd

Liability admitted, v. 28, pp. 96, 297, 385, 488, 495; v. 29, p. 316.

Misuse of product admitted, v. 31, p. 136.

Payment into court of disputed amount, v. 31, p. 170.

Pleadings, v. 28, p. 297.

Privilege of communication, defamation case, v. 28, p. 153.

Requests for admissions, v. 29, p. 459.

Respondeat superior disclaimed, v. 30, p. 150.

Status as trespassers, v. 28, p. 161.

Stipulations, v. 28, pp. 488, 491; v. 29, p. 302; v. 30, p. 294.

Testimonial admissions, v. 29, p. 206.

Liability theories abandoned at trial, v. 30, p. 347.

Limitations period expired, v. 28, p. 358.

Settlement offers or advance payments, v. 29, pp. 253, 263, 265, 267; v. 31, p. 140.

Statements, pretrial.

Accident facts, v. 29, p. 36.

Activity inconsistent with disability claimed, v. 28, p. 298.

Injury and disability facts, v. 29, p. 59.

Insured's statements denying loss, v. 29, p. 284.

Testimonial admissions.

Illegal use of silicone admitted by physician, v. 31, p. 167.

Keys left in automobile, v. 30, p. 271.

Lookout issues, v. 30, p. 277.

Voir dire examination, candor recommended, v. 30, p. 236.

AIRCRAFT ACCIDENTS.

See AVIATION ACCIDENTS.

AMNESIA.

Dead Man's statute, amnesia not "incompetency," v. 29, p. 317.

Medical evidence, v. 28, p. 350.

Party's amnesia, effect on discovery rights, v. 28, p. 41.

Testimony at trial following claim, v. 28, p. 351.

ANTITRUST.

Article.

"Antitrust Counseling: The Five Factors of Antitrust Liability," v. 34, p. 149.

APPEAL.

Article.

"Appellate Review of Evidentiary Rulings," v. 42, p. 1.

INDEX OF SUBJECTS

APPEAL —Cont'd

Article —Cont'd

- “Practices and Strategies for a Successful Appeal,” v. 43, p. 297.
- “Standards of Appellate Review,” v. 33, p. 377.
- Change in law during appeal, effect, v. 28, pp. 336, 377.
- Deciding whether to appeal, v. 43, pp. 297 to 316.
- Economic analysis of appeal, v. 43, pp. 310 to 316.
- Evidentiary rulings, appellate review, v. 42, pp. 1 to 81.
- Fact adjudication in federal courts, changes in system, v. 39, pp. 339 to 376.
- Harmless error rule, v. 29, pp. 477, 482, 487; v. 30, p. 83; v. 31, p. 143.
- Intermediate appellate courts' authority, v. 28, pp. 187, 423, 454; v. 30, pp. 73, 110.
- “Invited error” rule, v. 29, pp. 221, 225 to 228.
- Judicial notice by appellate judges, v. 29, pp. 380, 383, 387 to 399.
- Oral argument, v. 43, pp. 357 to 366.
- Perfecting the appeal, v. 43, pp. 316 to 324.
- Premature appeals, v. 29, p. 299; v. 30, pp. 158, 167, 168.
- Preparing briefs, v. 43, pp. 325 to 357.

ARBITRATION.

- Alternative means of resolving disputes, v. 33, p. 23.
- Employee discharge cases, polygraph evidence, v. 35, pp. 306 to 308.
- Medical malpractice claims, v. 29, pp. 295 to 302.
- Tort actions for improper insurance claims handling, v. 30, pp. 422 to 424.

ARCHITECTS.

Articles.

- “Architects, Engineers, Computer Product and the Law: A Matter of Anticipation,” v. 32, p. 627.
- “Architects' Expanded Liability Under Design-Build/Construction Contracting,” v. 33, p. 325.
- “Liability of Engineers for Structural Design Errors: State of the Art Considerations in Defining the Standard of Care,” v. 35, p. 319.
- Computer product issues, v. 32, pp. 627 to 669.
- Design-build/contracting contracts, liability under, v. 33, pp. 325 to 369.
- Design errors, v. 35, pp. 319 to 357.

ARCHITECTS —Cont'd

- Expert evidence, v. 30, p. 497.
- Failure to supervise, v. 29, p. 14.
- Privity issues, v. 29, p. 14.
- Standard of care, v. 35, pp. 319 to 357.
- State of the art defense, v. 35, pp. 319 to 357.
- Strict liability, v. 35, pp. 344 to 347.
- Warranty action invalid, v. 29, p. 15.

ARGUMENT TO JURY.

- Appealing to local prejudice, v. 31, p. 231.
- Articles.
 - "Closing Argument Procedure," v. 37, p. 401.
 - "The Opening Moment," v. 43, p. 1.
- Closing argument, rules governing procedure, v. 37, pp. 401 to 498.
- "Invited error" rule, v. 29, pp. 221, 225 to 228.
- Misconduct of counsel.
 - Appeals to bias, prejudice or self-interest, v. 29, pp. 225 to 228; v. 31, p. 231.
 - Argument during voir dire, v. 30, p. 228.
 - Credibility, expressing personal opinion, v. 29, pp. 225, 226.
 - Defendant uninsured, implication, v. 31, p. 231.
 - Disparagement of witness, v. 29, pp. 225 to 227.
 - Opinions of counsel presented, v. 29, pp. 243, 244.
 - Settlement efforts disclosed, v. 29, p. 267.
- Opening statement, v. 43, pp. 1 to 42.
- Prejudicial argument.
 - Disparagement of witnesses, v. 29, pp. 225 to 227.
 - Objections, necessity for, v. 29, p. 221.
- Unethical practices, v. 32, p. 615.

ARGUMENT TO TRIAL JUDGE.

- Burdensome discovery order, v. 30, p. 250.
- Costs of litigation, witness' fees and expenses, justification, v. 29, pp. 183, 184.
- Evidence erroneously admitted or excluded, v. 30, pp. 35, 36.
- Juror disqualification, v. 31, pp. 117 to 129.
- Settlement evidence, right to disclose, v. 29, p. 257.

ASBESTOS LITIGATION.

- Bankruptcy of defendant, v. 32, p. 1; v. 33, p. 5; v. 34, p. 8.
- Cancer, fear of, v. 35, pp. 44 to 54, 260, 450 to 459.

INDEX OF SUBJECTS

ASBESTOS LITIGATION —Cont'd

Generally, v. 33, p. 4; v. 34, p. 8.
Incidence of claims, v. 30, pp. 6, 10; v. 31, p. 5.
Insurer's liability, v. 32, p. 10; v. 34, p. 8.
Theories of action, v. 30, p. 10; v. 32, p. 13; v. 35, pp. 44 to 54.
Trust fund for claimants, v. 32, p. 1.

ASSAULT.

Aggressor issues, character or reputation of party, admissibility, v. 30, pp. 39, 47.
Automobile passengers assaulted by third parties, v. 29, pp. 52, 68.

Damages.

Mental anguish, v. 29, p. 524.
Punitive, v. 28, p. 197; v. 29, p. 524.
Remittitur practice, v. 29, p. 525.

Governmental liability cases, v. 28, p. 5; v. 30, p. 211.

History of previous fights, v. 30, p. 453.

Invitee assaulted by employee.

Burden of proof, v. 31, p. 131.

Tavern case, v. 31, p. 131.

Invitee assaulted by third person.

Foreseeability issues, v. 28, p. 275; v. 30, p. 352.

Hotel and motel cases, v. 29, p. 443.

Mental patient as assailant, vicarious liability, v. 29, p. 23.

Participant in professional sports as victim, v. 29, p. 23; v. 30, p. 39.

Policeman as plaintiff, v. 28, p. 197; v. 30, p. 271.

Respondeat superior issues, v. 29, p. 524.

School children assaulted, v. 29, p. 444.

Union member, assault by other members, v. 29, p. 523.

ASSUMPTION OF DUTY.

Hotel and motel cases, v. 30, p. 58.

"Negligent volunteer" rule, v. 28, pp. 138, 142.

Nonmedical services, physician's duty, v. 28, pp. 125, 127, 132, 133.

Required medical examinations, v. 28, pp. 124, 129 to 131.

School-sponsored activities, v. 28, pp. 335, 343, 346.

ASSUMPTION OF RISK.

Amusement device accidents, v. 28, pp. 335, 342, 344.

ASSUMPTION OF RISK —Cont'd

Article.

 "Assumption of Risk and Consent in the Law of Torts: A Theory of Full Preference," v. 37, p. 121.
Automobile guest case, v. 29, p. 316.
Comparative negligence jurisdictions, v. 31, p. 10.
Consent to intentional tort compared, v. 37, pp. 159 to 170.
Definition and elements, v. 28, p. 271.
Doctrine recognized, v. 28, p. 429.
Examination of doctrine, v. 37, pp. 121 to 201.
Police officers, risks assumed, v. 29, pp. 402, 403; v. 30, p. 272.
Products liability cases.
 See **PRODUCTS LIABILITY**.
Sports, game or contest participants.
 See **SPORTS**.
Strict liability cases, v. 37, pp. 187 to 191.
Swimming or diving accidents, v. 31, p. 9.
Waiver of tort claim distinguished, v. 37, pp. 133 to 137.

ATTORNEY AND CLIENT.

Admissions by attorney, v. 28, pp. 148, 156, 160.
Analysis of validity of claim or defense, v. 31, p. 31.
Annotations, v. 30, pp. 149 to 168.
Antitrust actions, counseling clients, v. 34, pp. 149 to 181.
Architects and engineers, computer product counseling, v. 32, pp. 627 to 669.
Articles.
 "Antitrust Counseling: The Five Factors of Antitrust Liability," v. 34, p. 149.
 "Attorney Malpractice and the Trial Within a Trial: Time for a Change," v. 35, p. 677.
 "Building Chinese Walls: Current Implementation and a Proposal for Reforming Law Firm Disqualification," v. 38, p. 259.
 "Causes of Legal Malpractice," v. 33, p. 447.
 "Conflicts of Interest Between Insurer and Insured: Ethical Traps for the Unsuspecting Defense Counsel," v. 44, p. 249.
 "Corporate Confidentiality: Problems and Dilemmas of Corporate Counsel," v. 32, p. 321.
 "Frivolous Lawsuits—The Lawyer's Duty to Say 'No,'" v. 31, p. 25.
 "Hazards of Vexatious Conduct in Litigation," v. 30, p. 123.

INDEX OF SUBJECTS

ATTORNEY AND CLIENT —Cont'd

Articles —Cont'd

- “Inadvertent Waiver of the Attorney-Client Privilege by Disclosure of Documents: An Economic Analysis,” v. 40, p. 119.
- “Insurance Companies and Their Lawyers--The Cost Squeeze,” v. 32, p. 391.
- “Insurance Coverage Opinions,” v. 44, p. 591.
- “Legal Malpractice Damages in a Trial Within a Trial--A Critical Analysis of Unique Concepts: Areas of Unconscionability,” v. 40, p. 79.
- “Legal Malpractice Statutes of Limitations: A Critical Analysis of a Burgeoning Crisis,” v. 36, p. 405.
- “Opinion Work Product: Solving the Dilemma of Compelled Disclosure,” v. 34, p. 641.
- “Practice and Procedure Under Amended Rule 11 of the Federal Rules of Civil Procedure,” v. 36, p. 489.
- “Preventing Legal Malpractice in Large Law Firms,” v. 39, p. 25.
- “Professional Discipline for Law Firms,” v. 42, p. 88.
- “Regulating Lawyers’ Negotiations,” v. 35, p. 65.
- “Representing Corporate Plaintiffs in Complex Litigation,” v. 45, p. 519.
- “Some Aspects of Potential Disclosure of Confidential Computerized Legal Materials,” v. 33, p. 569.
- “Some Reflections on the Nature and Future of the Adversary System,” v. 30, p. 325.
- “The Doctor and His Lawyer: Conflicts of Interest,” v. 32, p. 25.
- “The Ethics of Hourly Billing by Attorneys,” v. 41, p. 577.
- “The Represented Client in a Settlement Conference: The Lessons of G. Heileman Brewing Co. v. Joseph Oat Corp.,” v. 41, p. 459.
- “The Work Product Doctrine: Protection, Not Privilege,” v. 33, p. 25.
- “Walking the Tightrope: The Tripartite Relationship Between Insurer, Insured, and Insurance Defense Counsel,” v. 44, p. 479.
- Computer graphics, communicating with client through, v. 36, p. 682.
- Computerized law offices, theft of confidential information, v. 33, pp. 569 to 587.
- Computer product counseling, v. 32, pp. 627 to 669.

ATTORNEY AND CLIENT —Cont'd

Contract actions, expert witnesses retained, v. 30, p. 384.

Corporate director or officer, liability of attorney acting as, v. 39, pp. 31 to 42.

Creation of relationship, v. 30, p. 13.

Disqualification of counsel.

- Associate or partner, imputability issues, v. 30, pp. 155, 162, 163.
- Divided loyalty issues, v. 30, pp. 149, 162, 164 to 167.
- Elements necessary, v. 30, p. 163.
- Tactical weapon, motion as, v. 30, pp. 158, 160, 161.
- Work product, effect of disqualification, v. 30, pp. 152, 157.

Ethics issues.

- Champerty and maintenance issues, v. 29, pp. 237, 243, 245.
- Code of Professional Responsibility, v. 30, pp. 14, 15.
- Collusive agreements, v. 29, pp. 233 to 251.
- Conflicts of interest.
 - "Chinese Wall" as a solution, v. 38, pp. 259 to 281.
 - Defending medical malpractice cases, v. 32, pp. 25 to 53.
 - Insurance company and insured, ethical problems for defense counsel, v. 44, pp. 249 to 297, 479 to 516.
- Corporate confidentiality, v. 32, pp. 321 to 349.
- Duty to investigate claim before suit, v. 31, pp. 35, 36.
- Duty to nonclients, v. 30, pp. 379 to 396; v. 31, pp. 27, 34.
- Excessive fees charged, v. 28, p. 13; v. 41, pp. 577 to 674.
- Frivolous litigation, v. 31, pp. 25 to 51.
- Hourly billing, v. 41, pp. 577 to 674.
- Inciting spurious litigation, v. 28, p. 13; v. 31, p. 45.
- Model Code of Professional Responsibility, v. 30, pp. 137, 139 to 141.
- Negotiating for client, v. 35, pp. 65 to 155.
- Officer of the court, attorney as, v. 31, p. 34.
- Professional judgment as to merits of claim, v. 31, p. 34.
- Representing conflicting interests, v. 28, pp. 15, 16; v. 29, p. 452; v. 30, p. 13.
- "Scandalous or impertinent" pleading, v. 31, pp. 150, 153, 155.
- Solicitation of clients, v. 34, p. 13.
- Trial tactics, unethical, v. 32, pp. 585 to 624.
- Vexatious conduct, v. 30, pp. 12, 123 to 147.
- Zealous representation expected, v. 30, pp. 123, 133, 383; v. 31, pp. 28, 33.

INDEX OF SUBJECTS

ATTORNEY AND CLIENT —Cont'd

Federal Rules, fees under, v. 34, pp. 353 to 366; v. 36, pp. 489 to 519; v. 43, p. 594.

Fee awards.

“American Rule,” non-award, v. 30, pp. 123, 129.

Award by court, v. 29, p. 524; v. 30, pp. 250, 263 to 266.

Court’s inherent power, v. 30, p. 135.

Excessive awards, v. 28, p. 253; v. 30, pp. 265 to 267.

Frivolous litigation, cost of defending, v. 29, p. 12; v. 31, pp. 25 to 51, 155.

Judicial notice issues, v. 29, pp. 393, 398.

Offer of Judgment Rule (Fed. R. Civ. P. 68), attorneys’ fees, v. 34, pp. 353 to 360.

Restriction, medical malpractice case, v. 29, p. 421.

Statutes authorizing, v. 30, pp. 129 to 139; v. 31, pp. 47, 109; v. 36, pp. 489 to 520.

Unfair claim practices by insurers, v. 29, pp. 133 to 135; v. 31, p. 109.

Vexatious conduct, award to punish, v. 30, p. 217.

Fees generally.

Contingent fees.

Limitation in medical malpractice statutes, v. 29, pp. 421, 422.

Nonoccurrence of contingency, v. 30, p. 388.

Hourly billing, ethical standards, v. 41, pp. 577 to 674.

Frivolous lawsuits.

Actions based upon, elements, v. 31, pp. 40 to 44.

Attorney’s liability, v. 31, pp. 44 to 49.

Belief that client will prevail not required, v. 31, pp. 32, 36.

Certification of belief in pleadings, v. 31, p. 31.

Counterclaims by physicians, v. 31, pp. 36 to 39.

Disciplinary rules as basis for restraint, v. 31, pp. 31, 44.

Effects of frivolous suits, v. 31, p. 26.

Federal courts, application of Rule 11, v. 36, pp. 489 to 520; v. 41, pp. 196 to 200.

Model Rules of Professional Conduct, v. 31, pp. 31, 49, 50.

Negligence as basis for action against attorney, v. 31, p. 39.

Requesting change in law not frivolous, v. 31, p. 43.

“Shotgun” pleadings, v. 31, p. 42.

Withdrawing from an action, v. 31, p. 36.

House counsel representing insurers.

Conflict of interest issues, v. 30, p. 3.

Costs as justification, v. 30, p. 2.

DEFENSE LAW JOURNAL

ATTORNEY AND CLIENT —Cont'd

House counsel representing insurers —Cont'd

Cost versus cost of outside counsel, v. 32, pp. 391 to 397.

Insurance coverage opinions, v. 44, pp. 591 to 670.

Law firms, professional discipline for, v. 42, pp. 83 to 133.

Law office computer systems, theft of confidential information, v. 33, pp. 569 to 578.

Local counsel, limitation on duties and liability, v. 31, p. 137.

Negligence of attorney.

See **LEGAL MALPRACTICE**.

Negotiating for client, legal and ethical standards, v. 35, pp. 65 to 155.

Privileged communications.

See **PRIVILEGED COMMUNICATIONS**.

Public image of profession, v. 31, p. 27.

Settlement conference, clients at, v. 41, pp. 459 to 518.

Solicitation of clients, v. 34, p. 13.

Specialized practice, trends toward recognition, v. 29, p. 13.

Tax preparers, liability, v. 34, pp. 497 to 538.

Unauthorized practice of law, v. 31, pp. 409 to 415.

Vexatious conduct.

Attorney's liability, v. 30, p. 12; v. 31, pp. 44 to 49.

Code of Responsibility, v. 31, p. 29.

Definition and elements, v. 30, pp. 130, 136.

Frivolous lawsuits, v. 31, pp. 25 to 51.

Model Rules of Professional Conduct, v. 31, p. 31.

Summary cost assessment as punishment, v. 30, pp. 127 to 135.

Urging change in law not vexatious, v. 31, p. 30.

Vicarious liability of client, v. 30, pp. 141 to 145.

Work product immunity.

See **WORK PRODUCT DOCTRINE**.

Zealous representation, v. 30, p. 383.

AUTOMOBILE ACCIDENTS.

Article.

"The Safety Belt Defense at Trial and in Out-of-Court Settlement," v. 36, p. 1.

"Trains, Trucks, Trees and Shrubs: Vision-Blocking Natural Vegetation and a Landowner's Duty to Those Off the Premises," v. 45, p. 463.

Backing accident, v. 28, p. 269.

INDEX OF SUBJECTS

AUTOMOBILE ACCIDENTS —Cont'd

Bicycle collisions.

Contributory negligence of bicycle rider, v. 28, pp. 150, 151.

Reasonable care by motorist, v. 28, p. 150.

"Blackout" or death defense, burden of proof, v. 28, p. 148.

Circumstantial evidence, v. 28, p. 148.

Children.

Automobile parked and unlocked, v. 29, p. 437.

Pedestrian accidents, v. 29, pp. 388, 434, 437, 442.

Runaway "parked" automobile, v. 30, p. 471.

Custom and habit evidence, eyewitness testimony as precluding, v. 31, p. 66.

Defective equipment.

Brakes, v. 29, p. 275; v. 30, pp. 399, 400.

Headlights, v. 28, p. 445.

Taillights, v. 30, p. 76.

Emergency situations.

Adjacent lane, emergency developing in, v. 31, p. 64.

Burden of proof, v. 29, p. 276.

Mechanical failure, v. 29, p. 275.

Vehicle stopped in lane ahead, v. 31, p. 63.

Entrustment of vehicle, v. 31, p. 240.

Expert evidence, brake failure, v. 29, p. 276.

Flying object accidents, v. 30, p. 183.

"Following too closely" in adjacent lane, v. 31, p. 64.

Governmental liability.

Road construction, design or maintenance, v. 28, p. 6.

Guest cases.

Assumption of risk, v. 29, p. 316.

Constitutionality, v. 28, p. 349.

Contributory negligence defense, v. 28, pp. 349, 350.

Head-on collision, v. 28, pp. 179, 259, 445.

Instructions.

"Blackout" defense, v. 28, p. 148.

Burden of proof, v. 28, p. 148.

Erroneous, v. 28, p. 62; v. 29, p. 69.

Presumptions in rear-end collisions, v. 30, p. 365.

Prima facie case, effect, v. 28, p. 62.

Insurance issues.

See **AUTOMOBILE INSURANCE.**

AUTOMOBILE ACCIDENTS —Cont'd

Intersection collisions.

- Deceptive signalling, v. 29, p. 413.
- Lookout issues, v. 28, p. 262.
- Mechanical failure as cause, v. 30, p. 400.
- Negligent volunteer, v. 31, p. 23.
- Right-of-way, v. 28, pp. 262, 267.

Interspousal immunity retained, v. 30, p. 476.

Intoxication evidence.

- Blood test, v. 30, p. 78.
- Breathalyzer, v. 29, p. 286.
- Negative evidence, v. 30, p. 78.
- Opinion of police officer, v. 29, p. 286.
- Statutes controlling, v. 30, p. 79.
- Testimonial admissions, v. 28, p. 350.

Judicial notice issues.

- Carelessness of children, v. 29, p. 388.
- Reaction time of motorists, v. 29, pp. 380, 385, 389, 390.

Keys left in automobile, proximate cause issues, v. 30, p. 272; v. 31, p. 226.

Negligence of another, repairer's negligence, v. 30, pp. 399, 400.

Passenger accidents.

- Assaults by third parties, v. 29, pp. 52, 68.
- Contributory negligence, v. 28, p. 349.
- Interfamily litigation, v. 29, p. 54.
- Intoxicated driver, v. 28, p. 349.

Pedestrian accidents.

- Assumption of risk, v. 28, p. 271.
- Comparative negligence issues, v. 28, p. 195.
- Contributory negligence, v. 28, p. 271; v. 29, pp. 389, 390; v. 30, pp. 171, 273.
- Lookout issues, v. 28, p. 270; v. 30, p. 171.
- Runners and joggers, v. 44, pp. 446 to 451.
- Unattended vehicle, v. 30, p. 149.

Physical facts as evidence.

- Impeachment of plaintiff, v. 28, pp. 97, 386, 495.
- Mechanical condition of vehicle, v. 28, p. 148; v. 29, p. 276.

Previous accidents, admissibility, v. 30, pp. 437, 446 to 449, 451.

Rear-end collisions.

- Contributory negligence, v. 28, pp. 63, 162; v. 29, p. 413.
- Lookout issues, v. 29, p. 216; v. 30, p. 364.

INDEX OF SUBJECTS

AUTOMOBILE ACCIDENTS —Cont'd

Rear-end collisions —Cont'd

Mechanical failure, v. 30, p. 374.

Negligence not presumed, v. 29, p. 414.

Presumptions, v. 30, p. 365.

Standing or parking on roadway, v. 30, p. 76.

Stopping for signals or traffic, v. 28, pp. 62, 162, 164, 297; v. 30, pp. 189, 289.

Third vehicle involved, v. 28, p. 162; v. 30, p. 189.

Respondeat superior issues, v. 30, pp. 150, 289, 400.

Runaway "parked" automobile, v. 30, p. 471.

Runners and joggers, liability for injuries to, v. 44, pp. 446 to 451.

Seat belt defense, v. 36, pp. 1 to 64, 607 to 639.

Speed issues.

Emergency situation in adjacent lane, v. 31, p. 64.

Failure to object to officer's opinion, v. 31, p. 230.

Opinion of lay witness, v. 31, p. 66.

Statutes, ordinances or regulations violated.

Emergency as excuse, v. 29, p. 276.

Proximate cause issues, v. 28, p. 447.

Unavoidable accident defense.

"Blackout" of motorist, v. 28, p. 147.

Burden of proof, v. 28, p. 148.

Instruction thereon improper, v. 28, p. 446.

Jury issues, v. 28, p. 446.

Mechanical failure, v. 29, p. 275.

AUTOMOBILE INSURANCE.

Articles.

"Insurance Companies and Their Lawyers--The Cost Squeeze," v. 32, p. 391.

"Issues and Problems in Other Insurance, Multiple Insurance, and Self-Insurance," v. 45, p. 365.

"Punitive Damages: An Insurer's Lament," v. 34, p. 483.

Claim adjusting, investigation and settlement.

Abuse of fiduciary position by insurer, v. 30, pp. 159, 164 to 167.

Tortious claims handling.

See INSURANCE.

Declaratory judgment use, v. 29, p. 404.

Defense of insured.

Declaratory judgment, noncoverage, v. 28, p. 47.

Direct action against insurer, tortious claim handling, v. 29, p. 6.

AUTOMOBILE INSURANCE —Cont'd

Exclusion of coverage.

Household members' injury, v. 28, p. 47; v. 29, p. 404.

Validity of exclusion, v. 28, pp. 48, 49.

House counsel, use by insurer, v. 30, p. 2; v. 32, pp. 391 to 397.

Insurance generally.

See **INSURANCE**.

Liability insurance generally.

See **LIABILITY INSURANCE**.

No-fault insurance.

See **NO-FAULT MOTOR VEHICLE INSURANCE**.

Nonowned automobile, policy definition unambiguous, v. 29, p. 405.

Omnibus or additional insured, "temporary substitute automobile" defined, v. 29, p. 405.

Policy language construed, "arising out of ownership or use," v. 29, p. 52.

Proximate cause issues, v. 29, pp. 53, 70.

Punitive damage coverage, v. 29, p. 287.

Stolen vehicles, coverage issues.

Confiscation by police as "loss," v. 28, p. 170.

"Factual expectations of insured" test, v. 28, p. 167.

Good faith of insured, v. 28, pp. 166, 169, 176, 177.

Insurable interest, elements, v. 28, pp. 166, 168, 174 to 177.

Insurer not liable, v. 28, pp. 177 to 179.

Measure of damages, v. 28, pp. 172, 175.

Policy language construed, v. 28, pp. 169, 170.

Public policy issues, v. 28, pp. 171, 172.

Right of possession held insurable, v. 28, pp. 167, 172, 174 to 177.

Uninsured motorist coverage.

Definitions and distinctions, v. 28, p. 49.

Exclusions, v. 28, p. 49.

Insurable interest issues, v. 28, p. 174.

"Physical contact" requirement, v. 29, p. 70.

Repugnancy with statute, v. 29, p. 6.

Subrogation issues, v. 30, p. 390.

AUTOPSIES.

Evidentiary autopsies, v. 40, pp. 251 to 317.

Psychological autopsies, v. 43, pp. 597 to 638.

INDEX OF SUBJECTS

AVIATION ACCIDENTS.

Airport operation, terminal accident, v. 30, p. 295.

Conflict of laws issues.

Federal rule urged, v. 31, p. 16.

Most significant contacts rule, v. 31, p. 16.

Punitive damages recoverability, v. 31, p. 16.

Stipulation, v. 29, p. 432.

Expert evidence.

Cause of accident, v. 29, p. 62.

Condition at time of accident, v. 30, p. 492.

Evidence inadmissible, v. 29, p. 62.

Pilot's qualifications, v. 30, pp. 452, 492.

FTCA cases.

Air traffic control negligence, v. 30, p. 96.

Comparative negligence issues, v. 30, p. 96.

Letters from insurers to potential claimants, v. 32, p. 16.

Military aircraft, v. 28, p. 488.

Private plane accidents.

Cause of accident, v. 29, p. 62.

Weather evidence, v. 29, pp. 62, 63.

Products liability cases, v. 28, pp. 324, 326, 374, 376, 437; v. 29, p. 61.

Property damages cases.

FTCA case, v. 28, p. 488.

Stipulation, v. 28, p. 488.

B

BACK AND SPINE.

Big award, v. 29, p. 258.

Excessive award, v. 28, p. 96.

Impeachment of disability, v. 28, pp. 97, 98; v. 30, p. 173.

Medical evidence.

Arachnoiditis, v. 28, p. 121.

Arthritic or preexistent complications, v. 28, p. 98; v. 29, pp. 4, 75.

Hospital and office records, v. 30, p. 173.

Orthopedist as witness, v. 28, p. 195.

Permanency and rehabilitation, v. 28, pp. 119, 121, 129, 195; v. 29, pp. 4, 75, 76.

Traumatic causation, v. 28, p. 495.

DEFENSE LAW JOURNAL

BACK AND SPINE —Cont'd

Medical evidence —Cont'd

X-rays, v. 28, p. 98.

Small award adequate, v. 28, pp. 195, 495.

BANKS AND BANKING.

Accounting firms, malpractice actions against, v. 45, pp. 189 to 270.

Articles.

"Evidential Value and Acceptability of Computer Digital-Image Printouts," v. 33, p. 275.

"Latent Legal Repercussions in Electronic Financial Services and Transactions," v. 34, p. 539.

"Presumed Innocent? Financial Institutions, Professional Malpractice Claims, and Defenses Based on Management Misconduct," v. 45, p. 189.

Computer digital-image printouts as evidence, v. 33, pp. 275 to 282.

Credit life insurance application, breach of fiduciary duty, v. 32, p. 9.

Electronic services and transactions, legal repercussions, v. 34, pp. 539 to 574.

Estate planning errors, liability of banks, v. 31, pp. 503 to 507.

Financial institution failures, actions against officers and directors, v. 34, p. 16.

Law firms, malpractice actions against, v. 45, pp. 189 to 270.

BUSINESS JUDGMENT RULE.

Medical malpractice versus business judgment rule, v. 45, pp. 59 to 109.

BYSTANDER RECOVERY RULE.

See MENTAL PAIN.

C

CANCER.

Articles.

"Causal Chains and Statistical Links: The Role of Scientific Uncertainty in Hazardous Substance Litigation," v. 38, p. 189.

"Curing Cancerphobia Phobia: Reasonableness Redefined," v. 45, p. 337.

INDEX OF SUBJECTS

CANCER —Cont'd

Articles —Cont'd

- “Defense of Delayed Diagnosis and Treatment of Breast Cancer,” v. 33, p. 77.
- “Fear of Disease and Delayed Manifestation Injuries: A Solution or a Pandora's Box?,” v. 35, p. 1.
- “Radon Gas: Contractor Liability for an Indoor Health Hazard,” v. 37, p. 361.
- “Recovery for Cancerphobia and Increased Risk of Cancer,” v. 35, p. 443.
- “Trial by Lottery: The Misuse of Epidemiology and Statistics to Prove Causation in Drug and Chemical Litigation,” v. 38, pp. 673 to 692.

Asbestos as cause.

See **ASBESTOS LITIGATION.**

Causation in hazardous substance claims, v. 38, pp. 189 to 258, 673 to 692.

DES cases.

Fear of developing cancer, v. 35, pp. 259 to 264, 450 to 454.

Generally, v. 35, p. 45.

Incidence of claims, v. 31, p. 5.

Theories of actions, v. 30, pp. 7 to 10; v. 31, pp. 245 to 263.

Epidemiology and statistical evidence, v. 38, pp. 189 to 258, 673 to 692.

Fear of developing cancer, v. 31, p. 166; v. 35, pp. 1 to 64, 259 to 264, 443 to 464; v. 45, pp. 337 to 361.

Growth rate of cancer, v. 33, pp. 83 to 88.

Medical malpractice.

Diagnostic negligence, v. 28, p. 411; v. 29, p. 241; v. 33, pp. 77 to 102.

Silicone injections causing cancerphobia, v. 31, p. 166.

Medical monitoring of patients, actions for, v. 45, pp. 59 to 109.

Radon gas in the home as cause of lung cancer, v. 37, pp. 361 to 397.

CARDIOVASCULAR DISEASE.

Medical evidence.

Autopsy as basis for opinion, v. 28, p. 52.

Causation by employment, v. 28, p. 361.

Causation by trauma, v. 28, p. 52.

Coroner's opinion, v. 28, pp. 50, 52.

CASUALTY INSURANCE.

See **LIABILITY INSURANCE.**

CHILDREN.

Amusement device accident, v. 30, p. 453.

Articles.

“Parent-Child Immunity: A Doctrine in Search of Justification,” v. 32, p. 213.

“The Child’s Claim for Loss of Parental Consortium: The Prospects for the Nineties,” v. 40, p. 355.

“Wrongful Life and Wrongful Birth: Medical Malpractice in Genetic Counseling and Prenatal Testing,” v. 31, p. 555.

“Wrongful Pregnancy,” v. 31, p. 370.

Contributory negligence, custodian of child, v. 30, p. 96.

Dog bite case, v. 28, p. 53.

Familial litigation.

Automobile insurance coverage, v. 28, p. 49.

Child suing parent, v. 28, p. 49; v. 29, p. 54.

Immunity doctrine, v. 29, pp. 56, 410; v. 32, pp. 213 to 258.

Wrongful death action barred, v. 31, p. 133.

Firearms accident, v. 28, p. 136.

Limitation of actions issues.

Builders’ liability, limitation, v. 28, p. 360.

Medical malpractice statutes, v. 29, p. 422.

Parental consortiums, loss of, v. 40, pp. 355 to 386.

“Pied Piper” case, imitation of TV performance, v. 30, p. 473.

Property possessor’s liability.

Directed verdict or judgment for defense, v. 28, p. 159.

Dog bite, landlord’s liability, v. 28, p. 53.

Plate glass, collision with, v. 28, p. 359.

Pony as attractive nuisance, v. 29, p. 408.

Recreational use immunity, v. 29, p. 65.

Respondeat superior issues, v. 30, p. 252.

Trespasser, licensee or invitee, v. 28, p. 161.

Toy injuries, v. 28, pp. 375, 430, 434; v. 30, p. 473.

Unwanted life cases, v. 29, pp. 439, 446.

“Wrongful birth” cases, v. 31, pp. 555 to 600; v. 33, p. 19.

“Wrongful life” cases, v. 28, pp. 8, 9; v. 31, pp. 13, 555 to 600; v. 33, p. 19.

“Wrongful pregnancy” cases, v. 31, pp. 371 to 407.

CHOICE OF LAW.

See **CONFLICT OF LAWS.**

INDEX OF SUBJECTS

CIRCUMSTANTIAL EVIDENCE.

Carrier accident case, v. 30, p. 355.

Character or reputation evidence, v. 30, pp. 31 to 51.

Corporate management liability case, v. 30, p. 320.

Defamation actions, malice of defendant, v. 28, pp. 485, 486.

Electrical accident case, v. 30, p. 354.

Evidence generally.

See **EVIDENCE**.

Fall accident cases, v. 30, p. 176.

Fire insurance cases, v. 28, pp. 239 to 357; v. 30, pp. 278, 354.

Habit or routine practice, v. 30, p. 40.

Life insurance case, v. 29, p. 200.

Medical malpractice cases, v. 28, pp. 58, 60.

Misconduct of jurors, v. 28, p. 482; v. 31, p. 128.

Products liability cases, v. 28, pp. 373, 430; v. 30, pp. 7 to 10.

Respondeat superior, implied authority, v. 28, pp. 380, 381; v. 30, p. 320.

Storekeepers' liability case, v. 30, p. 352.

CIVIL RIGHTS ACT.

Polygraph examinations as discrimination, v. 35, pp. 300 to 302.

Tort liability under Act, v. 33, p. 12.

CLASS ACTIONS.

Debt collection practices, v. 33, p. 17.

Mass accident cases, v. 33, p. 18.

Newspaper advertisement to class members, v. 30, p. 7.

Offer of judgment under Fed. R. Civ. P. 68, v. 34, pp. 370 to 372.

Privacy action, v. 28, p. 290.

Products liability cases, v. 30, pp. 6, 9; v. 32, pp. 15, 16; v. 33, p. 17.

Punitive damages, v. 36, pp. 117 to 135.

COMPARATIVE NEGLIGENCE.

Accountant liability cases, v. 45, pp. 154 to 156, 224 to 226.

Articles.

"Comparative Fault and Intentional Torts: Doctrinal Barriers and Policy Considerations," v. 34, p. 383.

"Comparative Negligence in Strict Products Liability: The Courts Render the Final Judgment," v. 35, p. 267.

"The Puzzling Doctrine of Contributory Negligence," v. 45, p. 1.

Attorney's failure to anticipate adoption of rule, v. 31, p. 80.

COMPARATIVE NEGLIGENCE —Cont'd

Contribution among tortfeasors.

Barred, v. 30, pp. 97 to 100.

Bibliography, v. 33, pp. 219 to 257.

Proportional to fault, v. 29, p. 19; v. 30, pp. 82, 90, 96, 98, 102, 103.

Costs of litigation, apportionment in proportion to fault refused, v. 29, pp. 185, 190.

Criticized, v. 30, p. 310.

Emergency medicine malpractice cases, v. 37, pp. 641 to 650.

"Equal to or greater than" rule, v. 30, pp. 84, 90, 91, 95 to 103, 315, 316.

Fault comparison, v. 28, pp. 3, 149, 196; v. 29, p. 185.

Immunity of co-tortfeasor, effect, v. 30, pp. 85, 102 to 104; v. 31, p. 11.

Individual or class fault, v. 30, pp. 82, 87, 90, 93, 100 to 102.

Intentional torts and comparative fault, v. 34, pp. 383 to 420.

Interrogatories to jury, v. 29, p. 19.

Judicial adoption, v. 30, pp. 88, 307, 311, 316; v. 37, pp. 643 to 648.

Liability directly apportioned, v. 30, pp. 94, 99, 100.

Products liability cases, v. 28, p. 2; v. 29, p. 19; v. 30, pp. 95, 101, 191, 195; v. 31, pp. 10, 11; v. 35, pp. 267 to 288.

Prospective or retroactive application, v. 30, pp. 91, 310, 314.

"Pure comparative negligence" rule, v. 30, pp. 89, 310, 314, 316.

Release of co-tortfeasor, effect, v. 30, pp. 81, 91, 97 to 102.

Sports injuries, v. 41, pp. 159 to 166, 170 to 172.

Statutes adopting rule, v. 30, p. 316; v. 36, pp. 60 to 64; v. 37, pp. 643 to 648.

Strict liability, v. 35, pp. 267 to 288.

Trends, v. 30, pp. 91, 315.

COMPROMISE AND SETTLEMENT.

Articles.

"Can the Judge Do That? -- The Need for a Clearer Judicial Role in Settlement," v. 43, p. 673.

"Getting to 'No': A Study of Settlement Negotiations and the Selection of Cases for Trial," v. 41, p. 377.

"Insurance Adjusters and Plaintiffs' Attorneys: From Claims Fraud Consensus to Settlement Reform," v. 43, p. 43.

"Mary Carter Agreements: An Assessment of Attempted Solutions," v. 37, p. 1.

INDEX OF SUBJECTS

COMPROMISE AND SETTLEMENT —Cont'd

Articles —Cont'd

- "Insurance Adjusters and Plaintiffs' Attorneys: From Claims Fraud Consensus to Settlement Reform," —Cont'd
- "Promoting Settlements and Limiting Costs by Means of the Offer of Judgment: Suggestions for Using and Revising Rule 68, v. 34, p. 345.
- "Protecting the Confidentiality of Settlement Negotiations," v. 38, p. 283.
- "Regulating Lawyers' Negotiations," v. 35, p. 65.
- "The Active Judge in Pretrial Settlement: Inherent Authority Gone Awry," v. 39, p. 307.
- "The Case Against Guaranteed Verdicts," v. 29, p. 233.
- "The Costs of Settlement: The Impact of Scarcity of Adjudication on Litigating Lawyers," v. 39, p. 607.
- "The Duty to Settle," v. 40, p. 155.
- "The Represented Client in a Settlement Conference: The Lessons of G. Heileman Brewing Co. v. Joseph Oat Corp.," v. 41, p. 459.
- "Valuation of Cases for Settlement: Theory and Practice," v. 41, p. 1.
- Confidentiality of negotiations, v. 38, pp. 283 to 364.
- Encouragement as public policy, v. 28, pp. 69, 73, 81.
- Ethical standards governing negotiation, v. 35, pp. 65 to 155.
- Evaluation of cases for settlement, v. 41, pp. 1 to 72.
- Evidence of settlement, admissibility.
 - Advance payments evidence inadmissible, v. 29, pp. 253, 263, 265, 267; v. 31, p. 139.
 - Bias of witness shown, v. 29, pp. 257, 261, 267 to 272.
 - "Guaranteed verdict" agreements, v. 29, pp. 240, 246 to 249.
 - Inadmissible to prove liability, v. 29, pp. 253, 263, 265 to 267.
 - Loan receipt or "Mary Carter" agreements, v. 29, pp. 258, 266 to 272.
 - Mitigation of damages shown, v. 29, p. 266.
 - Partial or total disclosure issues, v. 29, pp. 262, 264, 268.
 - Future damages, periodic payment, v. 29, pp. 17, 18.
 - "Guaranteed verdict" or "Mary Carter" agreements, v. 29, pp. 233 to 251; v. 37, pp. 1 to 74.
 - Huge verdicts, effect, v. 28, p. 3.
 - Insurers' obligations to settle, v. 29, pp. 371, 372; v. 40, pp. 155 to 249.

COMPROMISE AND SETTLEMENT —Cont'd

Joint and several liability, "good faith" settlement as bar, v. 29, p. 249.

Joint tortfeasor, effect on.

Comparative negligence cases, v. 30, pp. 81, 91, 96 to 102.

Judge's involvement in pretrial settlement, v. 39, pp. 307, 308; v. 43, pp. 673 to 721.

Just settlement.

Effect of dwindling supply of trials on, v. 43, pp. 255 to 261.

Model of, v. 43, pp. 248 to 251.

Legal malpractice cases, v. 30, pp. 454 to 459, 467, 468; v. 35, pp. 111 to 118.

Legal standards governing negotiation, v. 35, pp. 65 to 155.

"Mary Carter" agreements, v. 29, pp. 233 to 251; v. 37, pp. 1 to 74.

Medical malpractice cases, v. 29, p. 255; v. 30, pp. 13, 14.

Misrepresentation in negotiations, v. 35, pp. 86 to 92.

Offer of judgment rule, promoting settlements by, v. 34, pp. 345 to 366.

Prejudgment interest statute, v. 32, p. 19.

Professional liability, right not to settle, v. 30, p. 13.

Railroad accident case, v. 29, p. 465.

Release of liability generally.

See **RELEASE OF LIABILITY**.

Represented client at settlement conferences, v. 41, pp. 459 to 518.

Seat belt defense cases, v. 36, pp. 16 to 21.

Selection of cases for settlement, v. 41, pp. 377 to 458.

Settlement during trial, v. 28, p. 3; v. 30, p. 184.

Statutes authorizing periodic payments, v. 29, p. 18; v. 30, p. 81.

Structured settlements.

Funding, v. 31, p. 20.

Future payments, v. 30, p. 402; v. 31, p. 21.

Income taxation inapplicable, v. 31, p. 19.

Increase in use, v. 31, pp. 19 to 21.

Lump-sum portion, v. 30, p. 402; v. 31, p. 21.

Record amount, v. 32, p. 19.

Unfair settlement practices, v. 29, p. 355.

Unjust settlements, causes, v. 43, pp. 251 to 255.

COMPUTERS.

Articles.

"**Architects, Engineers, Computer Product and the Law: A Matter of Anticipation**," v. 32, p. 627.

INDEX OF SUBJECTS

COMPUTERS —Cont'd

Articles —Cont'd

“A Survey of Computerized Information for Lawyers: LEXIS, JURIS, WESTLAW and FLITE,” v. 33, p. 181.

“Computer Error and Use Liability Risk,” v. 35, p. 579.

“Computer-Generated Exhibits—Demonstrative, Substantive, or Pedagogical—Their Place in Evidence,” v. 44, p. 299.

“Computer Malpractice: A New Tort on the Horizon?,” v. 40, pp. 711 to 719.

“Computers and the Litigator,” v. 34, p. 183.

“Electronic Databases in Legal Research: Beyond LEXIS and WESTLAW,” v. 37, p. 223.

“Evidential Value and Acceptability of Computer Digital-Image Printouts,” v. 33, p. 275.

“How Is Technology Affecting the Practice and Profession of Law?,” v. 41, p. 285.

“Latent Legal Repercussions in Electronic Financial Services and Transactions,” v. 34, p. 539.

“Liability for the Health Hazards Resulting From the Use of Video Display Terminals: Who Must Pay?,” v. 41, p. 329.

“Product Liability and Software,” v. 31, p. 334.

“Role of the Lawyer in a Changing Environment (The Impact of Computer Technology),” v. 36, p. 677.

“Some Aspects of Potential Disclosure of Confidential Computerized Legal Materials,” v. 33, p. 569.

“The New Privacy Interest: Electronic Mail in the Workplace,” v. 43, p. 491.

Computer malpractice as tort, v. 40, pp. 711 to 719.

Crimes, computer-related, v. 34, pp. 553 to 556, 565.

Digital-image printouts as evidence, v. 33, pp. 275 to 282.

Electronic mail, privacy issues, v. 43, pp. 491 to 531.

Erroneous computer information, user's liability, v. 35, pp. 579 to 599.

Evidence.

Computer-based, v. 34, pp. 564, 565.

Digital-image printouts, v. 33, pp. 275 to 282.

Document management in complex litigation, v. 38, pp. 616 to 628.

Exhibits, computer-generated, v. 44, pp. 299 to 332.

Financial services and transactions, legal repercussions, v. 34, pp. 539 to 574.

COMPUTERS —Cont'd

Fraud, computer-related, v. 34, pp. 556 to 558.

 Health hazards, v. 41, pp. 329 to 373.

Law office computer systems.

 Generally, v. 34, pp. 183 to 204; v. 36, pp. 677 to 691; v. 41, pp. 285 to 328.

Graphics, communicating with client through, v. 36, p. 682.

Health hazards, v. 41, pp. 329 to 373.

Legal research, v. 33, pp. 181 to 198; v. 36, p. 689; v. 37, pp. 223 to 253.

Litigation support, v. 34, pp. 189 to 204; v. 36, pp. 677 to 691.

 Document management in complex litigation, v. 36, pp. 616 to 628.

Microcomputers, v. 36, pp. 677 to 691.

Theft of confidential information, v. 33, pp. 569 to 578.

Legal research, database systems, v. 33, pp. 181 to 198; v. 36, p. 689; v. 37, pp. 223 to 253.

Malfunction of computer or programming, liability.

 Architects and engineers, v. 32, pp. 627 to 669.

 Generally, v. 31, pp. 335 to 369; v. 34, pp. 558 to 560; v. 40, pp. 711 to 719.

Negligent use of computer, v. 35, pp. 582 to 589.

Privacy issues and work-related computers, v. 43, pp. 491 to 531.

Programming, negligent, v. 40, pp. 711 to 719.

Security measures, v. 33, pp. 569 to 578; v. 34, pp. 561 to 564.

Theft of information from computerized law offices, v. 33, pp. 569 to 578.

Wrongful bill collection, v. 35, pp. 589 to 595.

CONDOMINIUMS.

Article.

 “*A Comprehensive Theory of Condominium Tort Liability*,” v. 37, pp. 575 to 623.

CONFLICT OF LAWS.

Articles.

 “*Choice of Law in Product Liability Actions: Order for the Practitioner in a Reign of Chaos*,” v. 33, p. 467.

 “*Forum Shopping for Stale Claims: Statutes of Limitations and Conflict of Laws*,” v. 39, p. 543.

 “*Professional Responsibility and the Conflict of Laws*,” v. 44, p. 63.

INDEX OF SUBJECTS

CONFLICT OF LAWS —Cont'd

Articles —Cont'd

- “Rethinking Choice of Law,” v. 40, p. 1.
- Aviation accidents, v. 29, p. 432; v. 31, pp. 15 to 17.
- Conflicting ethical rules, v. 44, pp. 63 to 132.
- Evidence rules, state and federal courts, v. 28, pp. 107, 108, 111.
- Governmental interest analysis, v. 30, p. 59; v. 31, p. 16.
- Products liability actions, v. 33, pp. 447 to 465.
- Statutes of limitations and conflict of laws, v. 39, pp. 543 to 572.
- Stipulation of jurisdiction, v. 29, p. 432.

CONSTITUTIONAL LAW.

Access to courts.

- Limitation of actions, effect on, v. 29, p. 506.
- Civil rights, employment discrimination, v. 28, p. 6.
- Contracts.

- Contingent fees, medical malpractice statutes restricting, v. 29, p. 421.

Damages.

- Punitive, v. 29, p. 76; v. 30, pp. 195, 202.
- “Special legislation” issues, v. 28, pp. 70, 78, 83, 87.
- Statutory limitations, v. 28, pp. 70, 78, 83, 87; v. 29, pp. 406, 421.

Defamation of public figures, v. 28, pp. 460 to 486.

Due process issues.

- Capricious application as denial, v. 29, p. 296.
- Delay as denial, v. 29, p. 301; v. 30, p. 20.
- Insurance debt insufficient for jurisdiction, v. 30, pp. 16 to 18.
- Equal protection issues.
- Builders’ liability, limitation, v. 28, p. 358.
- Consortium loss by child, v. 30, pp. 290, 294, 297.
- Dead Man’s statutes, v. 29, pp. 304, 310, 313.
- Exclusive remedy provisions, workers’ compensation statutes, v. 28, p. 456.
- “Fireman’s” rule upheld, v. 29, p. 403.
- Gratuitous recreational use of land, v. 29, p. 65.
- Insurance policy exclusions, v. 28, p. 48.
- Punitive damage coverage, revelation to jury, v. 29, p. 288.
- “Special” or “class” legislation prohibited, v. 29, p. 506.
- Wrongful Death Act, limitation on recovery, v. 29, pp. 110, 407.
- Freedom of speech.
- Invasion of privacy actions, v. 28, pp. 280, 281, 291, 292.

CONSTITUTIONAL LAW —Cont'd

Freedom of speech —Cont'd

Malicious or reckless publication, v. 28, pp. 286, 288, 291, 292.

Newsworthiness, v. 28, pp. 460 to 486.

Full faith and credit issues, sister state's statute tested, v. 30, p. 61.

Immunity from suit, legislative immunity, v. 28, p. 461.

Jury trial.

Directed verdict, v. 29, p. 76.

Effect of additur or remittitur, v. 28, p. 96.

Inadequate voir dire as denial, v. 29, p. 471.

Lie detector tests as basis for discrimination, v. 35, pp. 300 to 302.

Limitation of right of action or recovery.

See **LIMITATION OF ACTIONS.**

Medical malpractice statutes.

See **MEDICAL MALPRACTICE.**

No-fault insurance, constitutionality upheld, v. 28, p. 20.

Polygraph examinations as basis for discrimination, v. 35, pp. 300 to 302.

Presumption of validity, v. 28, pp. 70, 82.

Privacy action, v. 28, pp. 280, 281, 291, 292, 403; v. 29, p. 198.

Separation of powers.

Construction of statutes, v. 29, pp. 174, 304, 306, 311.

"State action" issues, v. 29, p. 198.

Tort liability under Civil Rights Act, v. 33, p. 12.

CONSTRUCTION ACCIDENTS.

Architects' liability.

See **ARCHITECTS.**

Article.

"Liability of Engineers for Structural Design Errors: State of the Art Considerations in Defining the Standard of Care," v. 35, p. 319.

Bystander injuries, v. 35, p. 334.

Computer product issues, v. 32, pp. 627 to 669.

Electrical accident, v. 28, p. 455.

Engineers' liability, v. 35, pp. 319 to 357.

Owner's liability, v. 28, p. 455.

Products liability cases, v. 28, p. 436; v. 30, p. 372.

Structural design errors, v. 35, pp. 319 to 357.

Worker injuries, v. 35, p. 334.

INDEX OF SUBJECTS

CONTRACTS.

Architects' liability under design-build/construction contracting, v. 33, pp. 325 to 369.

Articles.

"A Contract Theory for a Complex Tort: Limiting Interference with Contract Beyond the Unlawful Means Test," v. 35, p. 503.

"Architects' Expanded Liability Under Design-Build/Construction Contracting," v. 33, p. 369.

"Contractor Liability for Design Defects Under the Inspection Clause-A Sleeping Giant?," v. 42, p. 359.

"Foreseeability in Contract and Tort: The Problems of Responsibility and Remoteness," v. 36, p. 65.

"Surrogate Immunity: The Government Contract Defense and Products Liability," v. 36, p. 537.

Attorneys as defendants, expert witnesses retained, v. 30, p. 384.

Computer product issues, v. 32, pp. 627 to 669.

Covenant of good faith and fair dealing implied, v. 30, pp. 23, 428 to 431.

Damages for breach.

Foreseeability issue, v. 36, pp. 65 to 107.

Life expectancy, judicial notice, v. 29, p. 384.

Loss of bargain, v. 28, p. 300.

Punitive, v. 28, p. 300; v. 30, pp. 23, 202, 207, 210, 212, 320.

Foreseeability, v. 36, pp. 65 to 107.

Government contract defense, v. 36, pp. 537 to 605.

Insurance contract.

See INSURANCE.

Interference with contractual rights.

Generally, v. 35, pp. 503 to 539.

Health insurance, medical malpractice reform laws, v. 29, p. 86.

Privilege of property possessors, v. 30, p. 73.

Magazine interview published without consent, v. 32, p. 20.

Mortician as defendant, defective casket provided, v. 28, p. 188.

Physicians as defendants.

Confidentiality as implied covenant, v. 28, pp. 399, 402 to 404.

Insurance forms for patient, v. 28, pp. 125, 132.

Results of treatment guaranteed, v. 29, p. 179.

Products liability and government contract defense, v. 36, pp. 537 to 605.

CONTRACTS —Cont'd

Sufficiency of consideration issues, v. 30, p. 390.
Unmarried partners action, v. 29, p. 383.

CONTRIBUTION AMONG TORTFEASORS.

Active versus passive negligence, v. 28, pp. 455, 457.
Article.

 “Bibliography: Contribution Among Tortfeasors,” v. 33, p. 219.
Bibliography, v. 33, pp. 219 to 257.

Comparative negligence jurisdictions.

 Contribution barred, v. 30, pp. 97 to 100.

 Proportioned to fault, v. 29, p. 19; v. 30, pp. 82, 90, 96, 98, 102,
 103.

 Release of co-tortfeasor, effect, v. 30, pp. 81, 91, 97 to 102.

 Several liability adopted, v. 30, pp. 94, 99, 100.

Employer immune, v. 28, p. 455.

“Equal division” rule, v. 29, p. 261.

Joint and several liability, v. 28, p. 198; v. 30, pp. 82, 90, 95 to 99,
 103.

Medical and nonmedical defendants, v. 29, pp. 169, 179 to 181.

Parental immunity as bar, v. 29, p. 408.

Punitive damages, apportionment allowed, v. 28, p. 199.

Settlement by co-tortfeasors, effect, v. 29, pp. 249, 258, 262 to 272;
 v. 30, pp. 81, 91, 97 to 102, 184.

Uniform Contribution Among Tortfeasors Act, v. 29, p. 249.

CONTRIBUTORY NEGLIGENCE.

Accountant liability cases, v. 45, pp. 152 to 154, 541 to 610.

Articles.

 “Can the Contributory Negligence Defense Contribute to a
 Defusing of the Accountants’ Liability Crisis?,” v. 45, p. 541.

 “The Puzzling Doctrine of Contributory Negligence,” v. 45, p. 1.

Comparative negligence.

 See **COMPARATIVE NEGLIGENCE.**

Electrical accident case, v. 29, p. 205.

Humanitarian doctrine as exception, v. 29, pp. 380, 388.

Imputability issues, v. 29, pp. 279, 456.

Instructions, v. 29, pp. 209, 279.

Medical malpractice case, v. 29, p. 204.

Products liability cases, v. 28, pp. 427 to 434.

Railroad crossing cases, v. 29, p. 456; v. 30, p. 277.

INDEX OF SUBJECTS

CONVICTION OF CRIME.

Admissibility issues, v. 28, p. 293; v. 31, p. 167.

Credibility, impeachment by showing.

Evidence held inadmissible, v. 29, p. 285; v. 30, pp. 45, 47.

Criminal judgment as proof of civil liability, v. 31, pp. 173 to 203.

Direct evidence issues, intent to defraud, conviction as proof, v. 29, p. 285.

Fire insurance cases, arson conviction of insured, v. 28, pp. 242, 247, 254 to 256.

CORPORATIONS.

Articles.

"Corporate Audit Committees: Reducing Directors' Legal Liabilities," v. 34, p. 689.

"Corporate Confidentiality: Problems and Dilemmas of Corporate Counsel," v. 32, p. 321.

"Depositions of Corporations: Problems and Solutions — and Fed. R. Civ. P. 30(b)6," v. 36, p. 319.

"Director Due Care Liability: An Assessment of the New Statutes," v. 38, p. 141.

"Limits on a Corporation's Protection of Its Directors and Officers from Personal Liability," v. 33, p. 111.

"Procuring Trial Testimony from Corporate Officers and Employees: Alternative Methods and Suggestions for Reform," v. 43, p. 161.

"Protecting the Confidentiality of Corporate Internal Investigations and Compliance Audits," v. 45, p. 497.

"Representing Corporate Plaintiffs in Complex Litigation," v. 45, p. 519.

"The Corporate Director's Duty of Care: Riddles Wisely Expounded," v. 41, p. 519.

"The Proper Standard for Directors' Negligence Liability," v. 41, p. 127.

Business judgment defense, v. 30, p. 3; v. 31, p. 2.

Circumstantial evidence, v. 30, pp. 320, 321.

Complex litigation, corporations as plaintiffs, v. 45, pp. 519 to 539.

Control of subsidiaries, v. 30, pp. 320, 321.

Criminal actions, defective product cases, v. 29, p. 29.

Directors' liability, v. 33, pp. 111 to 179; v. 38, pp. 141 to 187; v. 41, pp. 127 to 144, 519 to 549.

Employers and employees generally.

See EMPLOYERS AND EMPLOYEES.

CORPORATIONS —Cont'd

Federal common law recognized, v. 30, p. 4.
Financial institution failures, v. 34, p. 16.
Fraudulent misapplication of funds, v. 29, p. 191.
Increase in litigation, v. 30, p. 3.
Inside information, use of, v. 30, p. 392; v. 33, p. 11.
Insurance protection, v. 30, p. 6.
Intercorporate dealings, v. 30, pp. 3 to 5.
Internal audits, protecting confidentiality, v. 45, pp. 497 to 517.
Jurisdiction issues, v. 30, p. 5.
Lawyer acting as director or officer, v. 39, pp. 31 to 42.
Plaintiffs, corporations as, v. 45, pp. 519 to 537.
Procuring trial testimony from corporate officers and directors, v. 43, pp. 161 to 185.

Products liability.

See **PRODUCTS LIABILITY**.

Professional corporations, v. 28, p. 128.

Protection of directors and officers, v. 33, pp. 111 to 179; v. 34, p. 689.

Statutes limiting liability, v. 38, pp. 141 to 187.

COSTS OF LITIGATION.

Depositions.

Unpublished deposition, effect, v. 29, pp. 189, 190, 194, 195.

Videotaped depositions, v. 29, pp. 189, 195.

Discretion of trial judge.

Costs imposition as punishment, v. 30, pp. 127, 135, 138, 142 to 145.

Discretion abused, v. 29, pp. 189, 192, 195; v. 30, pp. 250, 261 to 266.

Discretion not exceeded, v. 29, pp. 182, 190, 191, 193 to 195.

Expert witness' fees and expenses.

Computation methods, v. 29, p. 183.

Fees awarded in full, v. 29, pp. 183, 185, 190, 191.

Partial disallowance, v. 29, pp. 192, 193.

Statutes controlling, v. 29, pp. 182, 188, 192 to 194.

Transportation costs, v. 29, p. 184.

Frivolous or vexatious lawsuits, v. 31, pp. 44 to 47.

Multiple insurance problems, apportioning defense costs, v. 45, pp. 419 to 442.

Offer of judgment rule, limiting costs by, v. 34, pp. 353 to 366.

"Other insurance" problems, apportioning defense costs, v. 45, pp. 419 to 442.

INDEX OF SUBJECTS

COSTS OF LITIGATION —Cont'd

Statutes authorizing.

Vexatious conduct, sanctions, v. 30, pp. 127 to 139; v. 31, p. 40.

CROSS-EXAMINATION.

Articles.

"Challenging Post-Traumatic Stress Disorder Claims," v. 38, p. 407.

"Challenging the Plaintiff's Psychological Tests," v. 33, p. 507.

"Cross-Examination of the Quantitative Expert," v. 32, p. 259.

"Defending Mental Injury Claims: Cross-Examining the Plaintiff's Expert Witness," v. 36, p. 141.

"New Terminology for the 'Traumatic Neurosis' Case: Challenging the Plaintiff's Psychiatrist," v. 32, p. 73.

Expert witness.

Economist, v. 32, pp. 259 to 271, 491 to 496.

Government safety standards used, v. 29, p. 216.

Impeachment, v. 31, p. 142; v. 32, pp. 259 to 271.

Scope of examination, v. 29, p. 217.

Statistician, v. 32, pp. 259 to 271.

Impeachment of plaintiff.

See **IMPEACHMENT OF PLAINTIFF.**

Medical witness.

Bias shown, v. 29, pp. 211, 219, 223 to 225; v. 36, p. 143.

History of patient, v. 28, p. 298.

Impeachment, v. 29, pp. 211, 219, 223 to 225; v. 30, p. 67; v. 32, pp. 73 to 85.

Malingering plaintiff, v. 35, pp. 705 to 714.

Post-traumatic stress disorder case, v. 38, pp. 407 to 424.

Professional witnesses, v. 29, pp. 212, 219, 223 to 225.

Psychiatrist, v. 32, pp. 73 to 85; v. 36, pp. 141 to 149; v. 38, pp. 407 to 424.

Psychologist, v. 33, pp. 507 to 524; v. 36, pp. 141 to 149.

Traumatic neurosis case, v. 32, pp. 73 to 85.

Misconduct of counsel, v. 28, p. 267; v. 29, pp. 228 to 230.

Plaintiff as witness.

Impeachment, v. 28, p. 298.

Malingering plaintiff, v. 35, pp. 705 to 714.

Prior inconsistent statement shown, v. 28, p. 298.

Products liability case, v. 29, p. 216.

Purposes and methods of examination.

Impeachment, v. 29, p. 258; v. 30, p. 274.

Insurance coverage of punitive damages, v. 29, p. 287.

CROSS-EXAMINATION —Cont'd

Scope of examination, v. 29, pp. 217, 218; v. 30, p. 274.

Unethical practices by counsel, v. 32, pp. 585 to 624.

CUSTOM AND HABIT EVIDENCE.

Automobile accident case, v. 31, p. 66.

Eyewitness testimony as precluding, sufficiency, v. 31, p. 66.

Industry practice, v. 30, p. 77.

Life insurer's business practices, v. 29, pp. 200, 201.

Nuclear plant's careless operation, v. 30, p. 35.

Prior or subsequent occurrences, admissibility of, v. 30, pp. 437 to 454.

Products liability cases, v. 28, pp. 303 to 330, 425.

Sports injury case, v. 30, p. 37.

D

DAMAGES, DEATH ACTIONS.

Ad *damnum* amendment, v. 29, p. 107.

Articles.

“Bibliography: Contribution Among Tortfeasors,” v. 33, p. 219.

“Discount Rates Currently Used to Compute the Present Value of Pecuniary Losses: Results of a Recent Survey,” v. 42, p. 773.

“Final Moments: Damages for Pain and Suffering Prior to Death,” v. 39, p. 133.

“How Labor Productivity Growth Projections Overstate Lifetime Earnings,” v. 34, p. 137.

“Obtaining the Ideal Discount Rate in Wrongful Death and Injury Litigation,” v. 32, p. 191.

“On Juries and Damage Awards: The Process of Decision Making,” v. 40, p. 387.

“Review of Recent Tort Trends,” v. 31, pp. 15 to 18.

“Revisiting the Misapplication of the ‘Hedonic Damages’ Concept to Wrongful Death and Personal Injury Litigation,” v. 43, p. 533.

“The Child’s Claim for Loss of Parental Consortium: The Prospects for the Nineties,” v. 40, p. 355.

“The Defense of Suits by ‘High-Income’ Plaintiffs and Some General Observations and Suggestions,” v. 40, p. 453.

“The Use of the Berla Scale in Quantifying Hedonic Damages: A Case-Management Perspective,” v. 43, p. 545.

INDEX OF SUBJECTS

DAMAGES, DEATH ACTIONS —Cont'd

Articles —Cont'd

- “Using an Economist to Prepare a Defense in Wrongful Death or Injury Actions,” v. 32, p. 491.
- Aviation cases, v. 31, pp. 15 to 18.
- Child's loss of parental consortium, v. 40, pp. 355 to 386.
- Companionship of child, loss by parents.
 - Adult child, recovery denied, v. 29, p. 24.
 - Age of majority issues, v. 28, p. 387.
 - Burden of proof, v. 28, p. 388.
 - Cause of action not recognized, v. 29, p. 406; v. 30, pp. 290, 295, 299.
 - Cause of action recognized, v. 28, p. 387.
 - Grief of parents distinguished, v. 28, p. 388.
- Comparative negligence.
 - See COMPARATIVE NEGLIGENCE.
- Conflict of laws issues, v. 31, p. 16.
- Consortium loss by husband, v. 28, p. 490; v. 29, p. 24.
- Consortium loss by wife, v. 29, p. 109.
- Constitutionality of statutes, v. 29, p. 406.
- Contributions among tortfeasors, bibliography, v. 33, pp. 219 to 257.
- Economist testimony.
 - See ECONOMISTS.
- Expectancy issues.
 - See DAMAGES, PERSONAL INJURY.
- Final moments prior to death, damages for pain and suffering, v. 39, pp. 133 to 249.
- Grief of survivors.
 - Action disallowed, v. 29, p. 406.
 - Burden of proof, v. 30, p. 352.
 - Child decedents, v. 28, pp. 182, 185; v. 29, p. 22.
 - “Extrasensory empathy,” identical twin, v. 29, p. 432.
 - Statutes allowing recovery, v. 31, p. 22.
- Hedonic damages.
 - Berla scale, use of, v. 43, pp. 545 to 573.
 - Misapplication to wrongful death and personal injury litigation, v. 43, pp. 533 to 544.
- High-income plaintiffs, v. 40, pp. 453 to 515.
- Juries and damage awards, v. 40, pp. 387 to 413.

DAMAGES, DEATH ACTIONS —Cont'd

No-fault motor vehicle insurance case, v. 28, p. 21.

Pecuniary loss, adult decedent.

 Burden of proof, v. 28, p. 387.

 Contributions anticipated, v. 28, p. 387.

 Household services, v. 29, p. 24.

 Methods of valuation, v. 28, p. 490; v. 31, pp. 17, 18.

 Pension, v. 29, p. 24.

Pecuniary loss, child decedent.

 Contributions anticipated, v. 28, p. 92.

Punitive damages.

 See **DAMAGES, PUNITIVE**.

Remarriage of surviving spouse, *voir dire* disclosure, v. 29, pp. 479, 486.

Remittitur practice, v. 28, p. 93.

DAMAGES, PERSONAL INJURY.

Ad damnum.

 Medical malpractice, clause prohibited, v. 29, p. 423; v. 31, pp. 149, 155.

Appellate review.

 "Clearly erroneous" standard, v. 29, pp. 323, 330.

 Scope of review, v. 28, pp. 97, 98, 196, 382, 384, 386, 496, 498; v. 29, pp. 106, 107.

Apportionment, joint tortfeasors, v. 28, p. 198.

Articles.

 "Bibliography: Contribution Among Tortfeasors," v. 33, p. 219.

 "Discount Rates Currently Used to Compute the Present Value of Pecuniary Losses: Results of a Recent Survey," v. 42, p. 773.

 "Fear of Disease and Delayed Manifestation Injuries: A Solution or a Pandora's Box?," v. 35, p. 1.

 "Getting to 'No': A Study of Settlement Negotiations and the Selection of Cases for Trial," v. 41, p. 377.

 "How Labor Productivity Growth Projections Overstate Lifetime Earnings," v. 34, p. 137.

 "Liability for the Health Hazards Resulting From the Use of Video Display Terminals: Who Must Pay?," v. 41, p. 329.

 "Litigating Head Trauma: The 'Hidden' Evidence of Disability," v. 39, p. 377.

 "Lost Earnings Calculations and Tort Law: Reflections on the Pfeifer Decision," v. 36, p. 291.

INDEX OF SUBJECTS

DAMAGES, PERSONAL INJURY —Cont'd

Articles —Cont'd

"Neuropsychological Evaluation in Traumatic Head Injury: A New Tool for Attorneys," v. 37, p. 499.

"Obtaining the Ideal Discount Rate in Wrongful Death and Injury Litigation," v. 32, p. 191.

"On Juries and Damage Awards: The Process of Decision Making," v. 40, p. 387.

"Recovery for Cancerphobia and Increased Risk of Cancer," v. 35, p. 443.

"Recovery for Psychic Harm in Strict Products Liability: Has the Interest in Psychic Equilibrium Come the Final Mile?," v. 35, p. 193.

"Revisiting the Misapplication of the 'Hedonic Damages' Concept to Wrongful Death and Personal Injury Litigation," v. 43, p. 533.

"The Child's Claim for Loss of Parental Consortium: The Prospects for the Nineties," v. 40, p. 355.

"The Defense of Suits by 'High-Income' Plaintiffs and Some General Observations and Suggestions," v. 40, p. 453.

"The Use of the Berla Scale in Quantifying Hedonic Damages: A Case-Management Perspective," v. 43, p. 545.

"Using an Economist to Prepare a Defense in Wrongful Death or Injury Actions," v. 32, p. 491.

"Valuation of Cases for Settlement: Theory and Practice," v. 41, p. 1.

Cancer, fear of developing, v. 31, p. 166; v. 35, pp. 1 to 64, 259 to 264, 443 to 464.

Companionship of child, loss by parents.

Cause of action not recognized, v. 30, p. 296.

Comparative negligence.

See COMPARATIVE NEGLIGENCE.

Comparison of awards, v. 29, p. 107.

Compensation neurosis.

See NEUROSES AND PSYCHOSES.

Consortium, loss by children.

Cause of action not recognized, v. 30, pp. 295, 300 to 306.

Cause of action recognized, v. 28, p. 22; v. 30, pp. 289, 293.

Double recovery issues, v. 30, pp. 291, 298, 302.

Elements, v. 30, pp. 291, 394.

Generally, v. 40, pp. 355 to 386.

DAMAGES, PERSONAL INJURY —Cont'd

Consortium, loss by children —Cont'd

Speculativeness of damages, v. 30, pp. 292, 294, 297, 303.

Spouses' interests differentiated, v. 30, pp. 291, 296, 303.

Consortium, loss by husband.

Evaluation of damages, v. 29, p. 106.

Injury to nonplaintiff spouse not recognized, v. 29, p. 427.

Liability without damages, v. 28, p. 192.

Unmarried partners, action not recognized, v. 28, p. 22.

Consortium, loss by wife, psychic injury to husband as cause, v. 28, p. 180.

Contribution among tortfeasors, bibliography, v. 33, pp. 219 to 257.

Disease, fear of developing, v. 31, p. 166; v. 35, pp. 1 to 64, 258 to 264.

Earnings, future, v. 32, pp. 191 to 200; v. 34, pp. 137 to 147; v. 36, pp. 291 to 318.

Elderly plaintiff, v. 28, p. 96.

Emotional distress.

See **MENTAL PAIN; NEUROSES AND PSYCHOSES**.

Expectancy issues.

Discount rate, v. 32, pp. 191 to 200.

Future earnings, v. 32, pp. 191 to 200; v. 34, pp. 137 to 147; v. 36, pp. 291 to 318.

Future inflation, v. 28, pp. 491, 493, 494; v. 32, pp. 191 to 200.

Future pain and suffering, v. 29, pp. 324, 330; v. 30, p. 401.

Labor productivity, growth projections, v. 34, pp. 137 to 147.

Life expectancy, v. 29, p. 105; v. 30, p. 401.

Work expectancy, v. 28, pp. 492, 493.

Expert evidence.

Economists' testimony generally.

See **ECONOMISTS**.

Future inflation, v. 28, p. 493; v. 32, pp. 191 to 200.

Head injury cases, v. 39, pp. 371 to 411.

Psychologist, v. 28, pp. 491, 493.

Return on investments, v. 28, pp. 493, 494; v. 32, pp. 191 to 200.

Vocational rehabilitationist, v. 28, p. 493.

Future medical care.

Burden of proof, v. 28, p. 95.

Periodic payments, v. 29, pp. 17, 18; v. 30, p. 402.

Reduction to present value, v. 29, p. 106.

INDEX OF SUBJECTS

DAMAGES, PERSONAL INJURY —Cont'd

Hedonic damages.

Berla scale, use of, v. 43, pp. 545 to 573.

Misapplication to wrongful death and personal injury litigation, v. 43, pp. 533 to 544.

High-income plaintiffs, v. 40, pp. 453 to 515.

Income taxes, consideration in calculating lost earnings, v. 36, pp. 291 to 318.

Income tax evidence, tax exemption of award, v. 28, p. 444.

Juries and damage awards, v. 40, pp. 387 to 413.

Latent illness, fear of developing, v. 31, p. 166; v. 35, pp. 1 to 64, 258 to 264.

Liability without damages, v. 28, pp. 297, 382, 385.

Medical expenses, v. 35, pp. 55 to 58.

Mental or emotional injury.

See **MENTAL PAIN**.

Remittitur practice, v. 28, pp. 96, 97; v. 29, pp. 325, 328.

Selection of cases for trial, v. 41, pp. 377 to 458.

Settlement evaluating cases for, v. 41, pp. 1 to 72.

Toxic tort cases, damages for medical monitoring, v. 45, pp. 163 to 185.

Video display terminals, injuries from use, v. 41, pp. 329 to 373.

Wrongful birth, life and pregnancy cases.

See **CHILDREN**.

DAMAGES, PROPERTY.

Automobile damage, owner's opinion, v. 28, p. 264.

Aviation accidents, v. 28, p. 488; v. 29, p. 62.

Conversion of trade secrets, v. 28, p. 299.

Definition of "property damage" under comprehensive general liability policy, v. 36, pp. 481 to 488.

Land and buildings.

Fire loss, v. 28, p. 201.

Repair evidence, v. 28, p. 201.

Stipulations, v. 28, p. 488.

Products liability action inapplicable, v. 31, p. 235.

DAMAGES, PUNITIVE.

Alternatives to, v. 34, pp. 475 to 481.

Annotation, v. 30, pp. 202 to 213.

Articles.

"Comparative Negligence: Effect on Punitive Damages," v. 37, p. 297.

DAMAGES, PUNITIVE —Cont'd

Articles —Cont'd

 "Limiting Discovery of a Defendant's Wealth When Punitive Damages Are Alleged," v. 34, p. 675.

 "Punitive Damages: An Insurer's Lament," v. 34, p. 483.

 "Punitive Damages: A Relic That Has Outlived Its Origins," v. 34, p. 429.

 "Punitive Damages Awards: An Expanded Judicial Role," v. 39, p. 69.

 "Retribution and Deterrence: The Role of Punitive Damages in Products Liability Litigation," v. 35, pp. 467, 625.

 Assault cases, v. 28, p. 197; v. 29, p. 523.

 Automobile manufacturers, actions against, v. 35, pp. 480 to 492.

 Basis for applying doctrine, v. 34, pp. 436 to 464.

 Breach of contract.

 Award improper, v. 28, p. 301; v. 29, pp. 82, 84, 88, 90; v. 30, pp. 210, 212.

 Award upheld, v. 30, pp. 23, 207; v. 31, p. 169.

 Generally, v. 30, p. 202.

 Burden of proof, v. 28, p. 301; v. 29, pp. 84, 85; v. 30, pp. 192, 201, 204.

 Class actions in products liability cases, v. 36, pp. 117 to 135.

 Comparative negligence: effect on punitive damages, v. 37, pp. 297 to 323.

 Conflict-of-law issues, v. 31, pp. 15, 16.

 Constitutional issues, v. 29, pp. 76, 110; v. 30, pp. 195, 206.

 Conversion as grounds, v. 28, p. 301.

 Corporate liability, v. 30, pp. 320, 321.

 Criticism, v. 28, p. 199; v. 30, pp. 110, 202 to 204; v. 34, pp. 429 to 481, 483, 495.

 Death action, v. 29, p. 110; v. 30, pp. 193, 206; v. 31, pp. 15, 16.

 Evolution of doctrine, v. 34, pp. 430 to 436; v. 35, pp. 467 to 502, 625 to 676.

 Fraud, v. 30, p. 207.

 Function of doctrine, v. 35, pp. 625 to 676.

 Improper claim handling as basis.

 See INSURANCE.

 Insurance coverage, v. 29, pp. 7, 8, 288; v. 30, p. 110.

 Insurer's liability.

 Avoiding, v. 34, pp. 483 to 495.

 Generally, v. 28, pp. 200, 214, 219, 226; v. 29, pp. 73 to 103.

INDEX OF SUBJECTS

DAMAGES, PUNITIVE —Cont'd

Interference with prospective gain, v. 30, p. 319.
Judicial relief, role of insurers, v. 34, pp. 489 to 491.
Legal malpractice case, v. 30, p. 12.
Legislative relief, role of insurers, v. 34, pp. 487 to 489.
Measurement rules.
Compensatory loss factor, v. 30, pp. 197, 207.
Insurance coverage irrelevant, v. 29, p. 288.
Poverty of defendants, v. 29, pp. 287, 524, 525; v. 31, p. 168.
Value of going business, v. 30, p. 322.
Wealth of defendant, v. 29, pp. 77, 100, 525; v. 30, pp. 191, 202.
Policy factors, v. 30, pp. 191, 196, 200, 202 to 205.
Products liability.

See **PRODUCTS LIABILITY**.

Respondeat superior liability, v. 29, pp. 77, 111, 524.
Wealth of defendant, discovery, v. 34, pp. 675 to 688.

DEAD MAN'S STATUTES.

See **EVIDENCE**.

DECLARATORY JUDGMENT.

Article.

"Declaratory Judgment Coverage Actions: A Multistate Survey and Analysis and State Versus Federal Law Comparison," v. 44, p. 517.

Automobile insurance cases, v. 28, p. 47; v. 29, p. 52.

DEFAMATION.

Annotations, v. 31, pp. 145 to 161.

Article.

"Suing Media for Emotional Distress: A Multi-Method Analysis of Tort Law Evolution," v. 33, p. 283.
Attorneys as defendants, v. 31, pp. 145, 149, 154 to 157.
Attorneys as plaintiffs, v. 28, pp. 474, 476, 481, 483, 484.
Burden of proof, v. 29, p. 283.
Crime accusation, v. 28, pp. 382, 468, 476, 478, 482 to 484.
Discovery rights of plaintiffs, v. 30, pp. 258, 260, 264.
Employee drug use, v. 37, pp. 283 to 288.
Employee evaluation report, v. 28, p. 151; v. 29, p. 281; v. 31, p. 147.
Examining physician's report, v. 28, p. 133.
Fair comment defense, v. 28, pp. 474, 475, 478 to 480, 484.
Humor, satire or parody cases, v. 28, pp. 460, 467, 471.

DEFENSE LAW JOURNAL

DEFAMATION —Cont'd

Judicial proceedings.

Communications between counsel, v. 31, pp. 152, 157.

Evaluation letters to insurers, v. 31, pp. 154, 156.

Statements to news media, v. 31, pp. 153, 155, 156.

Liability without damages, v. 28, p. 382.

Libel per se, v. 28, p. 384.

"Libel-proof" persons, v. 28, pp. 472, 482.

Malice element.

Burden of proof, v. 28, pp. 153, 465, 473, 475 to 480.

Circumstantial evidence, v. 28, pp. 476, 485, 486.

Ill-will not sufficient, v. 28, pp. 154, 466.

Media as defendant, actions for emotional distress, v. 33, pp. 283 to 324.

Newspaper or magazine libel.

Magazine cases, v. 28, pp. 479 to 484; v. 33, pp. 305 to 324.

Newspaper cases, v. 28, pp. 473 to 486; v. 33, pp. 305 to 324.

Physicians as defendants, actions by patients.

Malice issues, v. 28, p. 402.

Privilege or duty to disclose, v. 28, p. 401.

Truth as defense, v. 28, p. 401.

Privilege defense.

Absolute privilege, v. 28, p. 461; v. 31, pp. 146, 149, 151, 154 to 158.

Abusing or exceeding privilege, v. 28, pp. 154, 485; v. 31, pp. 156 to 160.

Common interest or duty, v. 28, pp. 153, 154; v. 31, p. 149.

Complaint to private club's directors, v. 29, p. 411.

Existence, issue of law, v. 28, p. 154.

Fair comment or criticism, v. 28, pp. 474, 475, 478 to 480, 484.

Issue in legal malpractice case, v. 30, p. 454.

Public figures, v. 28, pp. 460 to 486; v. 31, pp. 155, 158, 159, 233.

Publication issues, v. 28, p. 477; v. 29, p. 283.

Public figures, v. 28, pp. 465, 474, 478 to 485; v. 34, p. 12.

Public officials.

Court officials, v. 28, pp. 474, 476.

Elected or appointed, v. 28, pp. 474, 475, 478.

Military personnel, v. 28, p. 474.

Police officers, v. 28, pp. 476 to 478.

Public defender, v. 31, p. 233.

INDEX OF SUBJECTS

DEFAMATION —Cont'd

Public officials —Cont'd

Social worker, v. 28, p. 477.

Teachers, v. 28, p. 473.

Radio or television publication, v. 28, p. 462; v. 33, pp. 305 to 324.

"Reckless disregard" test.

Reason to suspect falsity, v. 28, pp. 466, 485.

Recklessness established, v. 28, pp. 476, 485.

Reliance on prior publications, v. 28, pp. 467, 477, 483.

Settlement of case, allegedly negligent advice, v. 30, p. 454.

DEFAULT JUDGMENTS.

Grounds for default, discovery order disobeyed, v. 30, pp. 252, 257 to 263.

Notice to defaulting party, inadequate notice, effect, v. 30, pp. 260 to 263.

Setting aside default, lack of prejudice to opponent, v. 30, pp. 251, 261 to 263.

DEPOSITIONS.

Admissibility at trial.

Discretion of trial judge, v. 30, p. 275.

Lack of opportunity to cross-examine, v. 31, p. 132.

Articles.

"Depositions--Objectives, Strategies, Tactics, Mechanics and Problems," v. 32, p. 425.

"Depositions of Corporations: Problems and Solutions--Fed. R. Civ. P. 30(b)(6)," v. 36, p. 319.

"The Taking and Use of Videotaped Depositions," v. 42, p. 239.

Controlling proceedings, v. 32, pp. 438, 439.

Corporations, depositions of, v. 36, pp. 319 to 339.

Discovery proceedings generally.

See DISCOVERY.

Federal Rule of Civil Procedure 30(b)(6), depositions under, v. 36, pp. 319 to 339.

Mechanics, v. 32, pp. 447 to 483.

Objectives, v. 32, pp. 433 to 439.

Organizations, depositions of, v. 36, pp. 319 to 339.

Preparation, v. 32, pp. 420 to 433.

Problem areas, v. 32, pp. 447 to 482.

Strategy and tactics generally, v. 32, pp. 439 to 447.

Videotaped depositions, v. 42, pp. 559 to 580.

DEPOSITIONS —Cont'd

Witness, preparation of, v. 32, pp. 482 to 489.

DIRECTED VERDICT OR JUDGMENT NOV.

Absence of duty as grounds, v. 28, p. 53.

Contributory negligence, question of law, v. 28, pp. 150, 153; v. 30, p. 375.

Defendants' liability, damage issues tried, v. 29, pp. 4, 76.

Grant as error, v. 28, p. 62; v. 30, pp. 351 to 354, 356.

Refusal as error, v. 28, p. 53; v. 30, pp. 348, 358.

DISCOVERY.

Articles.

“A New Antidote for an Opponent's Pretrial Discovery Misconduct: Treating the Misconduct at Trial as an Admission by conduct of Weakness of the Opponent's Case,” v. 43, p. 189.

“Conducting Informal Discovery of a Party's Former Employees: Legal and Ethical Concerns and Constraints,” v. 42, p. 239.

“Limiting Discovery of a Defendant's Wealth When Punitive Damages Are Alleged,” v. 34, p. 675.

“Opinion Work Product: Solving the Dilemma of Compelled Disclosure,” v. 34, p. 641.

“Overintrusive Surveillance of Plaintiffs in Personal Injury Cases,” v. 35, p. 603.

“Strategic and Scientific Considerations in Toxic Tort Defense,” v. 35, p. 405.

“The Rules Have Changed: Amendments to the Federal Rules Of Civil Procedure,” v. 43, p. 577.

“The Work Product Doctrine: Protection, Not Privilege,” v. 33, p. 25.

Business records, v. 30, p. 250.

Computers, use of, v. 34, p. 195.

Corporations as plaintiffs, discovery issues, v. 45, pp. 531 to 536.
Depositions.

See DEPOSITIONS.

Discovery conference, v. 30, p. 256.

Discovery misconduct treated as admission of weak case, v. 43, pp. 189 to 220.

Document requests in complex litigation, v. 38, pp. 602 to 611.

Employees of party, former, v. 42, pp. 239 to 313.

Employee's statements to employer, v. 28, pp. 30, 31, 38 to 40.

INDEX OF SUBJECTS

DISCOVERY —Cont'd

Experimental evidence, v. 30, p. 258.
Expert evidence, opinions of opposing experts, v. 29, pp. 31, 34, 41, 43 to 50; v. 30, pp. 259, 267.
Federal Rules of Civil Procedure, v. 30, p. 256; v. 33, pp. 25 to 57; v. 38, pp. 565 to 589; v. 43, pp. 585 to 594.
Good cause requirement, v. 29, pp. 57, 58; v. 30, p. 175.
Identity of witnesses, v. 28, pp. 33, 34, 43.
Instructions proposed by opponents, v. 29, pp. 338, 339.
Insured's statement to insurer.

- Attorney-client privilege applied, v. 28, p. 36; v. 30, p. 57.
- Statements not privileged, v. 28, pp. 39, 40, 42, 44.
- Trial preparation privilege, v. 28, pp. 29, 35, 41.

Insurer's claims records.

- Unfair practices, action alleging, v. 29, p. 370; v. 30, p. 24.

Interrogatories.

- See **INTERROGATORIES TO PARTIES**.

Medical evidence.

- Hospital records, v. 30, p. 176.
- Identity of witnesses, v. 29, pp. 41 to 43, 45 to 47, 381; v. 30, pp. 259, 267.
- Interrogatories used, v. 29, pp. 41 to 43, 45 to 47; v. 30, pp. 259, 267.
- Malpractice screening panel, v. 29, pp. 418, 419.
- Medical staff review committee proceedings, v. 35, pp. 567 to 473.
- Order to disclose, v. 28, p. 352.
- Privilege issues, v. 30, p. 176.
- Toxic tort cases, v. 35, pp. 414 to 437.

Net worth of defendant, protective order employed, v. 30, p. 266.
Objections to discovery.

- Burden or expense, v. 28, pp. 34, 36.
- Burdensome tactics, v. 28, pp. 34, 36; v. 29, p. 57; v. 30, pp. 250, 254, 256.
- Privilege or immunity issues, v. 28, pp. 26 to 44; v. 30, pp. 55, 176.
- Relevancy issues, v. 29, p. 56; v. 30, p. 176.

Obstruction of discovery treated as admission of weak case, v. 43, pp. 189 to 220.
Party's own statement, v. 28, pp. 39, 41.
Privilege or immunity issues.

- Attorney-client privilege, v. 28, pp. 32, 36; v. 30, p. 57.

DISCOVERY —Cont'd

Privilege or immunity issues —Cont'd

Attorney's work product, v. 29, p. 48; v. 33, pp. 25 to 57; v. 34, pp. 641 to 674.

Excess liability actions, v. 28, p. 43.

Interoffice memoranda, v. 28, pp. 42, 43.

Trial preparation, v. 28, pp. 28, 31, 35, 36, 39.

Veteran's hospital records, v. 30, p. 177.

Sanctions for refusal to provide.

Attorney's liability, v. 30, p. 12.

Costs of litigation, v. 30, pp. 250, 263 to 267.

Dismissal of claim or defense, v. 28, p. 351; v. 30, pp. 139, 177, 250, 252, 257 to 260.

Excessive sanctions, v. 30, pp. 251, 255, 260 to 263.

Federal Rules of Civil Procedure, v. 30, pp. 128, 129.

Personal liability of counsel, v. 30, pp. 256, 265.

Precluding witness' testimony, v. 29, pp. 28 to 50, 381; v. 30, p. 259.

Statutes controlling, v. 30, p. 137.

Summary assessment, opponent's fees and costs, v. 30, pp. 123 to 147.

Settlement agreements with co-defendants, v. 29, pp. 246, 259, 271, 283.

Statements of nonparty witness.

Availability of witness, v. 28, pp. 30, 35, 38.

Discoverable as of right, v. 28, p. 44.

Lack of diligence, v. 28, p. 38.

Time factor, v. 28, pp. 29, 31, 38, 39.

"Substantial need" issues.

Burden of establishing, v. 28, pp. 29, 34, 35, 37, 41, 42.

Death or unavailability, v. 28, pp. 40, 41.

Employment relationship as factor, v. 28, pp. 31, 41.

Time as factor, v. 28, pp. 30, 34, 37 to 42.

Toxic tort cases, v. 35, pp. 412 to 437.

Trend toward liberalization, v. 29, pp. 35, 38 to 41.

Trial preparation materials.

Attorney-generated materials, v. 28, pp. 30, 42.

Insurer, party or other agent, v. 28, pp. 27, 35, 37, 38.

Litigation, when anticipated, v. 28, pp. 29, 37, 39, 41, 42.

Wealth of defendant in punitive damages cases, v. 34, pp. 675 to 688.

INDEX OF SUBJECTS

DISCOVERY —Cont'd

Work product privilege.

 Expert testimony under Federal Rules of Civil Procedure, v. 38, pp. 565 to 589.

 Opinion work product, compelled disclosure, v. 34, pp. 641 to 674.

DRAMSHOP LIABILITY.

Statutory liability.

 Construction of statutory language, v. 28, p. 261.

 Proximate cause issues, v. 28, p. 261.

 Third person injured or killed, v. 28, p. 259.

E

ECOLOGY.

See ENVIRONMENTAL PROTECTION.

ECONOMISTS.

Articles.

 "Cross-Examination of the Quantitative Expert," v. 32, p. 259.

 "Discount Rates Currently Used to Compute the Present Value of Pecuniary Losses: Results of a Recent Survey," v. 42, p. 773.

 "How Labor Productivity Growth Projections Overstate Lifetime Earnings," v. 34, p. 137.

 "Lost Earnings Calculations and Tort Law: Reflections on the Pfeifer Decision," v. 36, p. 291.

 >New Evidence on Expected Long Term Real Interest Rates," v. 38, p. 693.

 "Obtaining the Ideal Discount Rate in Wrongful Death and Injury Litigation," v. 32, p. 191.

 "Revisiting the Misapplication of the 'Hedonic Damages' Concept to Wrongful Death and Personal Injury Litigation," v. 43, p. 533.

 "The Defense of Suits by 'High-Income' Plaintiffs and Some General Observations and Suggestions," v. 40, p. 453.

 "The Use of the Berla Scale in Quantifying Hedonic Damages: A Case-Management Perspective," v. 43, p. 545.

 "Using an Economist to Prepare a Defense in Wrongful Death or Injury Actions," v. 32, p. 491.

Cross-examination, v. 32, pp. 259 to 271, 491 to 496.

Discount rate, evidence as to, v. 32, pp. 191 to 200; v. 42, pp. 773 to 788.

ECONOMISTS —Cont'd

Future earnings.

Calculation generally, v. 36, pp. 291 to 318; v. 38, pp. 693 to 698.

Discount rate, v. 32, pp. 191 to 200.

Overstatement by plaintiff's economists, v. 34, pp. 137 to 147; v. 38, pp. 693 to 698.

Hedonic damages, v. 43, pp. 533 to 544, 545 to 573.

High-income plaintiffs, v. 40, pp. 453 to 515.

EMOTIONAL INJURY.

See **MENTAL PAIN.**

EMPLOYERS AND EMPLOYEES.

Age discrimination, v. 34, p. 4.

Articles.

"A Defense of the Employment at Will Rule," v. 33, p. 199.

"Conducting Informal Discovery of a Party's Former Employees: Legal and Ethical Concerns and Constraints," v. 42, p. 239.

"Defending Insurers Charged with Wrongful Termination of an Agent," v. 32, p. 555.

"Employment at Will: Do the Exceptions Overwhelm the Rule?," v. 32, pp. 87 to 149.

"Fear of Disease and Delayed Manifestation Injuries: A Solution or a Pandora's Box?," v. 35, p. 1.

"Jar Wars: Drug Testing Advice for Private Sector Employers," v. 37, p. 257.

"Liability for the Health Hazards Resulting From the Use of Video Display Terminals: Who Must Pay?," v. 41, p. 329.

"Medical Examination as a Method of Investigating Employee Wrongdoing," v. 36, p. 251.

"Polygraphs," v. 35, p. 289.

"Prevention and Defense of Wrongful Discharge Suits in the Corporate Sector," v. 38, p. 51.

"Protecting the Righteous Employer Against Abusive Sexual Harassment Claims: Two Modest Proposals," v. 45, p. 271.

"Recent Developments in Sexual Harassment Law," v. 42, p. 463.

"Recovery for Cancerphobia and Increased Risk of Cancer," v. 35, p. 443.

"The New Privacy Interest: Electronic Mail in the Workplace," v. 43, p. 491.

"The Revolution That Wasn't: On the Business-as-Usual Aspects of Employment-at-Will," v. 43, p. 369.

INDEX OF SUBJECTS

EMPLOYERS AND EMPLOYEES —Cont'd

Articles —Cont'd

“Workers’ Compensation and Sexual Harassment in the Workplace: A Remedy for Employees or a Shield for Employers?,” v. 44, pp. 1 to 62.

“Wrongful Termination Lawsuits: The Employers Finally Win a Few,” v. 34, p. 205.

Cancer, fear of developing, v. 35, pp. 1 to 64, 259 to 264, 443 to 464.

Discharge of employees.

- Balance of power altered little by wrongful discharge lawsuits, v. 43, pp. 369 to 423.
- Basis of tort action, v. 32, pp. 87 to 149; v. 34, pp. 205 to 219.
- Collective bargaining agreements, resolution under, v. 38, pp. 64 to 96.
- Defense of lawsuits, v. 38, pp. 51 to 96.
- Drug-impaired employee, v. 37, p. 290.
- Employment-at-will rule defended, v. 33, pp. 199 to 217.
- Insurance agents, actions for wrongful termination, v. 32, pp. 555 to 583.
- Polygraph tests, use of, v. 35, pp. 289 to 316.
- Preemption of tort action, v. 38, pp. 64 to 96.
- Prevention of lawsuits, v. 38, pp. 51 to 96.
- Discovery of party’s former employees, v. 42, pp. 239 to 313.
- Drug-impaired employees and job safety, v. 37, pp. 259 to 270.
- Drug testing by employers, v. 36, pp. 251 to 287; v. 37, pp. 257 to 295.
- Electronic mail, privacy issues, v. 43, pp. 491 to 531.
- “Fireman’s rule,” v. 32, p. 20.
- Handicap discrimination, v. 34, p. 4.
- Health insurance, employee’s right to sue for improper claims handling, v. 30, p. 419.
- Law firms, sex discrimination, v. 33, p. 14; v. 34, p. 3.
- Lie detectors, use by employers, v. 35, pp. 289 to 316.
- Nuclear energy plant, employer’s duty to prevent radiation injury, v. 30, p. 35.
- Polygraph tests, use by employers, v. 35, pp. 289 to 316.
- Race discrimination, v. 34, p. 5.
- Sex discrimination, v. 33, p. 14; v. 34, pp. 3, 5.
- Sexual harassment in workplace, v. 42, pp. 463 to 530; v. 44, pp. 1 to 62; v. 45, pp. 271 to 296.

DEFENSE LAW JOURNAL

EMPLOYERS AND EMPLOYEES —Cont'd

Tort actions for employee injuries, v. 30, p. 86; v. 32, pp. 4, 20; v. 37, pp. 325 to 360.

See also **PRODUCTS LIABILITY**.

Toxic substances, v. 34, pp. 55 to 73; v. 35, pp. 24 to 55, 405 to 437; v. 37, pp. 325 to 360.

Urine tests, use by employers, v. 36, pp. 251 to 287.

Video display terminals, health hazards, v. 41, pp. 329 to 373.

Wrongful termination—See within this heading, "Discharge of employees."

ENGINEERS.

Article.

"Liability of Engineers for Structural Design Errors: State of the Art Considerations in Defining the Standard of Care," v. 35, p. 319.

See also **ARCHITECTS**.

ENVIRONMENTAL PROTECTION.

Article.

"The Toxic Substances Control Act," v. 34, p. 55.

Toxic substances, fear of developing latent disease, v. 35, pp. 1 to 64.

Water pollution, v. 29, p. 24.

EVIDENCE.

Appellate review, v. 33, pp. 377 to 421; v. 42, pp. 1 to 81.

Articles.

"Admission of Business Records into Evidence: Using the Business Records Exception and Other Techniques," v. 41, p. 675.

"Appellate Review of Evidentiary Rulings," v. 42, pp. 1 to 81.

"Computer-Generated Exhibits—Demonstrative, Substantive, or Pedagogical—Their Place in Evidence," v. 44, p. 299.

"Delusion or Despair: The Concept of Limited Admissibility in the Law of Evidence," v. 39, p. 657.

"Do Not Fold, Spindle or Mutilate: The Trend Toward Recognition of Spoliation as a Separate Tort," v. 43, p. 723.

"Evidentiary Autopsies," v. 40, pp. 251 to 317.

"The Admissibility of Insurance Questions During Voir Dire: A Critical Survey of Federal Approaches and Proposals for Change, v. 42, p. 135.

Assumptive admissibility, principle of, v. 39, pp. 657 to 692.

INDEX OF SUBJECTS

EVIDENCE —Cont'd

Autopsy evidence, v. 40, pp. 251 to 317.

Business records, v. 41, pp. 675 to 727.

Character or reputation of party.

- Evidence admissible, v. 30, pp. 33, 47, 49.
- Evidence inadmissible, v. 30, pp. 45 to 47.

Circumstantial evidence.

- See **CIRCUMSTANTIAL EVIDENCE**.

Codification of state rules.

- Discouraged, v. 28, pp. 106, 107, 109 to 111.
- Encouraged, v. 28, pp. 107, 108, 111.

Common-law rules applied, v. 28, p. 106.

Complex litigation, control and management of documents, v. 38, pp. 593 to 632.

Computer digital-image printouts as evidence, v. 33, pp. 272 to 282.

Computer-generated exhibits, v. 44, pp. 299 to 332.

Criminal judgments as proof of civil liability, v. 31, pp. 173 to 203.

- See also **CONVICTION OF CRIME**.

Custom and habit.

- See **CUSTOM AND HABIT EVIDENCE**.

Dead Man's statutes.

- Agents or employees of parties, v. 29, pp. 308, 311, 313, 314, 317 to 319.
- Amendment or repeal, effect, v. 29, pp. 304, 307, 308, 314, 319.
- Common-law origins, v. 29, pp. 303, 310.
- Constitutionality, v. 29, pp. 302, 313.
- Criticisms, v. 29, pp. 304, 310.
- Federal Rules of Evidence rule, v. 29, p. 312.
- Inability of deceased to refute, v. 29, pp. 306, 316, 317.
- Interests protected, v. 29, pp. 313, 315, 316, 318.
- Life insurance cases, v. 30, pp. 312, 317, 319.
- Medical malpractice cases, v. 29, pp. 313, 315.
- Waiver issues, v. 29, p. 315.

Documents, control and management in complex management, v. 38, pp. 593 to 632.

Exhibits, computer-generated, v. 44, pp. 299 to 332.

Experimental evidence.

- See **EXPERIMENTAL EVIDENCE**.

Expert evidence.

- See **EXPERT EVIDENCE**.

Failure to preserve evidence, v. 43, pp. 723 to 756.

EVIDENCE —Cont'd

Federal evidence rules, uncodified, v. 33, pp. 59 to 77.

See also **FEDERAL RULES OF EVIDENCE**.

Inadmissible evidence, deliberately injecting, and similar practices, v. 32, pp. 585 to 624.

Insurance questions during voir dire, v. 42, pp. 135 to 192.

Judicial notice.

See **JUDICIAL NOTICE**.

Learned treatise evidence, admissibility foundation required, v. 29, pp. 383, 390, 392.

Limited admissibility, principle of, v. 39, pp. 657 to 692.

Medical evidence.

See **MEDICAL EVIDENCE**.

Motion pictures.

See **MOTION PICTURE OR VIDEOTAPE EVIDENCE**.

Photographic evidence.

See **PHOTOGRAPHIC EVIDENCE**.

Prior or subsequent occurrences, admissibility.

"Accident proneness," v. 30, p. 446.

Anesthesiologist's customary procedures during surgery, v. 30, p. 453.

Assault case, defendant's history of previous fights, v. 30, p. 453.

Attorneys' fees, failure to pay, v. 30, p. 453.

Chemical damage, insecticide firm's previous experience, v. 30, p. 451.

Conversion of property, habits of landlord's "clean-up man," v. 30, p. 451.

Dentist's warnings to patients, v. 30, p. 449.

Federal Rules of Evidence applied, v. 30, pp. 448, 449, 451.

Fire investigator's reports of similar cases, v. 30, p. 452.

Fraud case, previous misrepresentations, v. 30, p. 449.

Improper sexual conduct, v. 30, pp. 442, 443, 447.

Insurance claims, history of, v. 30, pp. 438, 439, 446 to 448, 450 to 453.

Mailing practices of insurer, v. 30, p. 450.

Memorandum of prior conversation, v. 30, pp. 444, 445.

Personal injury claims, history of, v. 30, pp. 437, 446 to 449, 451, 454.

Pilot's training relative to reacting in emergencies, v. 30, p. 452.

Product liability cases, v. 30, pp. 449, 451, 454.

Spoliation of evidence as a separate tort, v. 43, pp. 723 to 756.

INDEX OF SUBJECTS

EVIDENCE —Cont'd

Surveillance of personal injury plaintiffs, v. 35, pp. 603 to 624.

Ultimate issue rule, expert evidence, v. 30, pp. 489, 494, 497.

EXPERIMENTAL EVIDENCE.

Amusement device accident, v. 28, p. 345.

Inadmissible evidence, v. 29, p. 462; v. 30, p. 276.

Parked automobile left in gear, tendency to roll, v. 30, p. 471.

Products liability.

Automobile case, v. 30, p. 359.

Flammability of product, v. 30, pp. 198 to 200.

Railroad crossing accidents, lookout issues, v. 29, pp. 461, 462; v. 30, p. 276.

EXPERT EVIDENCE.

Architects' liability, v. 30, p. 497.

See also ARCHITECTS.

Arson cases, characteristics and behavior of fire, v. 34, pp. 243 to 269.

Articles.

"Emotional Distress Claims in Medical Malpractice Cases," v. 40, p. 569.

"Evidentiary Autopsies," v. 40, p. 251.

"Expert Testimony in Technically Complex Litigation," v. 40, p. 697.

"Expert Witness Malpractice: A Solution to the Problem of the Negligent Expert Witness," v. 42, p. 195.

"How Labor Productivity Growth Projections Overstate Lifetime Earnings," v. 34, p. 137.

"Human Factors Experts in Personal Injury Litigation," v. 43, p. 639.

"New Terminology for the 'Traumatic Neurosis' Case:

Challenging the Plaintiff's Psychiatrist," v. 32, p. 73.

"Obtaining the Ideal Discount Rate in Wrongful Death and Injury Litigation," v. 32, p. 191.

"Psychological Autopsy: Clinical and Legal Perspectives," v. 43, p. 597.

"Strategic and Scientific Considerations in Toxic Tort Defense," v. 35, p. 405.

"The Conflict Concerning Expert Witnesses and Legal Conclusions," v. 39, p. 575.

"Using an Economist to Prepare a Defense in Wrongful Death or Injury Actions," v. 32, p. 491.

DEFENSE LAW JOURNAL

EXPERT EVIDENCE —Cont'd

Attorney's standard of care, v. 29, p. 30.

Autopsy evidence.

See AUTOPSIES.

Aviation accident case, v. 29, p. 61.

Bank embezzlement case, v. 30, p. 491.

Basis for opinion.

Experiments by expert, v. 28, p. 345; v. 30, p. 199.

Federal Rules of Evidence, effect, v. 29, p. 64.

Hearsay evidence, v. 30, p. 487.

On-site investigation, v. 28, pp. 241, 252, 254.

Safety standards issued by government, v. 29, p. 216; v. 30, pp. 199, 200.

Underlying facts or data, disclosure of, v. 30, p. 491.

Bookkeeper's capabilities, v. 30, p. 491.

Compensation of witnesses.

Chargeable as costs, when, v. 29, pp. 181 to 195.

Competency of witness, issue of law, v. 29, p. 64.

Cross-examination of experts.

See CROSS-EXAMINATION.

Defective construction of residence, v. 29, p. 510.

Elevator accidents, v. 30, p. 494; v. 31, p. 141.

Epidemiology and statistical evidence, v. 38, pp. 189 to 258, 673 to 692.

Explosion case, v. 30, p. 491.

Financial records, audit evidence, v. 29, pp. 191, 193.

Fire insurance cases, v. 28, pp. 241, 252, 254; v. 34, pp. 243 to 269.

Human factors experts, v. 43, pp. 639 to 671.

Hypothetical not required, v. 30, pp. 489, 494.

Legal conclusions, v. 39, pp. 575 to 605.

Legal malpractice case, v. 29, p. 30.

Life insurance case, v. 28, p. 357.

Medical evidence generally.

See MEDICAL EVIDENCE.

Necessity, v. 29, p. 30.

Neuropsychological evaluations, v. 36, pp. 363 to 402; v. 37, pp. 499 to 510.

Police procedures, v. 30, pp. 494, 497.

Products liability cases.

See PRODUCTS LIABILITY.

INDEX OF SUBJECTS

EXPERT EVIDENCE —Cont'd

Prospectus, interpretation of language, v. 30, p. 495.
Proximate cause, expert testimony on, v. 38, pp. 539 to 563.
Psychological autopsies, v. 43, pp. 597 to 638.
Railroad accident cases, v. 28, pp. 333, 335, 345.
Railroad crossing hazard, v. 30, p. 496.
Real estate appraisers, standard of care, v. 30, p. 495.
Security measures.
 Bus station, v. 30, p. 495.
 Warehouse, v. 30, p. 491.
Sports injury cases, v. 28, pp. 333, 335, 345; v. 30, p. 487.
State of the art, v. 28, pp. 304, 320; v. 29, p. 217; v. 30, pp. 199, 200.
Technically complex litigation, v. 40, pp. 697 to 709.
Toxic tort cases, v. 35, pp. 412 to 437.
 See also TOXIC TORTS.
Witnesses.
 Accident reconstruction expert, v. 29, pp. 43, 44, 47, 457.
 Accountants, v. 28, p. 250; v. 29, pp. 191, 193.
 Architect, v. 29, p. 49.
 Attorney, v. 29, p. 30.
 Coaching witnesses, v. 32, p. 589.
 Cross-examinations.
 See CROSS-EXAMINATION.
 Economist.
 See ECONOMISTS.
 Employees of defendant, v. 29, p. 458.
 Engineer, v. 29, pp. 34, 216.
 Epidemiologist, v. 35, p. 423.
 Industrial hygienist, v. 35, p. 423.
 Negligent expert witnesses, v. 42, pp. 195 to 237.
 Neuropsychologists, v. 36, pp. 363 to 402.
 Party-representatives as expert witnesses, v. 31, pp. 58, 60, 61.
 Psychiatrist, v. 31, p. 55; v. 32, pp. 73 to 85; v. 36, pp. 141 to 149.
 Psychologist, v. 33, pp. 507 to 524; v. 36, pp. 141 to 149.
 Real estate appraisers, v. 31, pp. 53, 59, 60.
 Sequestration of expert witnesses, v. 31, pp. 53 to 61.
 Statisticians, v. 32, pp. 259 to 271.
 Toxicologist, v. 35, p. 423.
 Vocational experts, v. 36, pp. 363 to 402.

EXPERT WITNESSES.
See EXPERT EVIDENCE.

F

FALL ACCIDENTS.

Circumstantial evidence, v. 30, pp. 177, 352.
Comparative negligence cases, v. 30, pp. 81, 84, 97.
Home builder's liability, v. 28, p. 453.
Hospital case, v. 30, p. 81.
Master-servant, v. 30, p. 84.
Property possessor's liability, v. 28, p. 134; v. 29, p. 36; v. 30, p. 84.
Proximate cause issues, v. 28, p. 440.
Scaffold accident, v. 28, p. 436.
Sidewalk case, v. 30, p. 25; v. 44, pp. 705 to 731.
Spouse's liability, v. 30, p. 25.
Storekeeper's liability, v. 30, pp. 176, 352.

FEDERAL RULES OF CIVIL PROCEDURE.

Amendments to the Rules effective December 1993, v. 43, pp. 577 to 596.

Articles.

"Compulsory Joinder of Compensating Insurers: Federal Rule of Civil Procedure 19 and the Role of Substantive Law," v. 44, p. 363.
"Federal Adjudication of Facts: The New Regime," v. 39, p. 339.
"Practice and Procedure Under Amended Rule 11 of the Federal Rules of Civil Procedure," v. 36, p. 489.
"Procuring Trial Testimony from Corporate Officers and Employees: Alternative Methods and Suggestions for Reform," v. 43, p. 161.
"Promoting Settlements and Limiting Litigation Costs by Means of the Offer of Judgment: Suggestions for Using and Revising Rule 68," v. 34, p. 345.
"Rule 11 and State Courts: Panacea or Pandora's Box?," v. 41, p. 185.
"Sanctions, Symmetry and Safe Harbors: Limiting Misapplication of Rule 11 by Harmonizing it With Pre-verdict Dismissal Devices," v. 41, p. 237.
"The Rules Have Changed: Amendments to the Federal Rules of Civil Procedure," v. 43, p. 577.

INDEX OF SUBJECTS

FEDERAL RULES OF CIVIL PROCEDURE —Cont'd

Articles —Cont'd

"The Shot Clock Comes to Trial: Time Limits for Federal Civil Trials," v. 43, p. 221.

"Work Product Privilege and Discovery of Expert Testimony: Resolving the Conflict Between Federal Rules of Civil Procedure 26(b) and 26(b)(4)," v. 38, p. 565.

Attorneys' fees, v. 34, pp. 353 to 366; v. 36, pp. 489 to 519; v. 43, p. 594.

Corporate officers and employees, procuring trial testimony from, v. 43, pp. 161 to 185.

Costs, use of Rule 68 to limit, v. 34, pp. 353 to 366.

Discovery.

- Abusive discovery tactics, v. 30, p. 256.
- Discovery conference proposed, v. 30, p. 256.
- Sanctions for abuse, v. 30, p. 256.
- Sanctions for refusal, v. 30, pp. 12, 129.

See also DISCOVERY.

Work product privilege and discovery of expert testimony, v. 38, pp. 565 to 589.

Fact adjudication in federal courts, changes in system, v. 39, pp. 339 to 376.

Frivolous litigation.

- Sanctions, v. 36, pp. 489 to 519.
- Offer of Judgment Rule (Rule 68), v. 34, pp. 345 to 382.
- Rule 11, practice and procedure under, v. 36, pp. 489 to 519; v. 41, pp. 237 to 283; v. 43, pp. 581 to 584.
- State courts, v. 41, pp. 185 to 235.
- Time limits for trials, v. 43, pp. 221 to 295.
- Voir dire examination, v. 30, p. 224.

Work product privilege and discovery of expert testimony, v. 38, pp. 565 to 589.

FEDERAL RULES OF EVIDENCE.

Adoption by states, v. 28, pp. 101 to 117.

Articles.

"Should the States Adopt Rules Patterned after the Federal Rules of Evidence?", v. 28, p. 101.

"Uncodified Federal Evidence Rules Applicable to Civil Trials," v. 33, p. 59.

Character evidence.

Admissibility, v. 30, p. 280.

FEDERAL RULES OF EVIDENCE —Cont'd

Character evidence —Cont'd

Evidence held admissible, v. 30, p. 48.

Evidence held inadmissible, v. 30, p. 35.

Comment and criticism, v. 28, pp. 105, 107, 110, 113.

Competency of witnesses, v. 29, p. 312.

Conflict with state rules, v. 29, p. 312.

Conviction of crime, admissibility, v. 30, p. 49.

Custom and habit evidence, v. 30, pp. 35, 37, 40.

Discretion of trial judge, admissions or exclusion of evidence, v. 30, pp. 35, 41.

Expert evidence.

Hypothetical question not required, v. 29, p. 64.

Method of presenting, v. 29, p. 219.

Need for, v. 30, p. 490.

Hearsay evidence, exceptions.

"Catch-all" exceptions, v. 29, p. 108; v. 30, p. 50.

Competency of declarant, v. 29, p. 109.

Reputation evidence, v. 30, p. 48.

Judicial notice, v. 29, pp. 383, 386, 387, 392.

Origins and development, v. 28, p. 105.

Prejudicial evidence.

Admitted because of probative value, v. 30, pp. 50, 51.

Excluded despite relevancy, v. 30, pp. 36, 49.

Prior or subsequent acts, admissibility, v. 30, pp. 448, 449, 451.

Privileged communications, v. 28, p. 397.

Relevancy issues, v. 30, pp. 38, 50.

Uncodified federal evidence rules, v. 33, pp. 59 to 77.

FEDERAL TORT CLAIMS ACT.

Aviation accident, v. 28, p. 488; v. 30, p. 96.

Big awards, v. 28, pp. 488, 490.

Comparative negligence jurisdictions, v. 30, pp. 96, 99, 102.

Hospital negligence, supervision of mental patient, v. 29, p. 323.

Medical malpractice, preinduction physical examination, v. 28, p. 130.

Military accidents, v. 28, p. 488; v. 32, p. 21.

Prison officials, release of dangerous prisoner, v. 31, p. 21.

State substantive law applied, v. 28, pp. 488, 489.

FIRE ACCIDENTS.

Article.

"Characteristics and Behavior of Fire," v. 34, p. 243.

INDEX OF SUBJECTS

FIRE ACCIDENTS —Cont'd

Child cases, v. 30, p. 252.

Respondeat superior issues, v. 30, p. 252.

FIRE INSURANCE.

Arson or fraud by insured.

Burden of proof, v. 28, pp. 240, 246, 249 to 257; v. 30, p. 279.

Characteristics of fire, v. 34, pp. 243 to 269.

Circumstantial evidence, v. 28, pp. 241, 249 to 257; v. 30, pp. 47, 50, 279.

Co-insured or third parties, effect on, v. 28, pp. 243, 248, 256.

Criminal conviction of insured, v. 28, pp. 247, 254.

Motive, v. 28, pp. 241, 246, 251, 252.

Previous fires, v. 28, pp. 247, 255; v. 30, p. 279.

Evaluation of loss, v. 20, pp. 6, 89, 90.

Foreseeable loss from nonpayment recoverable, v. 29, p. 90.

Insurance generally.

See INSURANCE.

Statutory penalties for nonpayment, v. 29, pp. 92, 97, 100, 101.

Waiver of defenses, v. 38, p. 355.

FORESEEABILITY.

Articles.

"Foreseeability: A Murky Crystal Ball for Predicting Liability," v. 42, p. 713.

"Foreseeability in Contract and Tort: The Problems of Responsibility and Remoteness," v. 36, p. 65.

Products liability.

See PRODUCTS LIABILITY.

FRAUD AND DECEIT.

Attorney as defendant, v. 30, p. 392.

Burden of proof, v. 29, p. 284; v. 30, pp. 353, 357, 359, 392.

Corporate management liability, v. 29, p. 191.

Insurer as defendant, v. 28, p. 272; v. 29, p. 9.

Marriage induced by fraud, v. 30, p. 45.

Misrepresentations not proved, v. 28, p. 273.

Physician as defendant, v. 31, p. 168.

Reputation of parties, admissibility, v. 30, pp. 45, 46.

Unfair Claims Practice statutes, violation as, v. 29, p. 9.

G

GOVERNMENTAL IMMUNITY.

Educational entities, v. 28, p. 335.

GOVERNMENTAL IMMUNITY —Cont'd

Employees and officials of government, v. 28, pp. 336, 337.

"Good Samaritan" statutes, v. 28, pp. 137, 144.

Government contract defense and products liability actions, v. 36, pp. 537 to 605.

Limitation of doctrine, v. 33, p. 20; v. 34, p. 15.

GOVERNMENT CONTRACT DEFENSE.

Government contract defense and products liability actions, v. 36, pp. 537 to 605.

H

HOMEOWNER'S INSURANCE.

Adjuster practicing law, v. 31, p. 409.

Coverage issues, declaratory judgment, v. 30, p. 62.

Defense of insured, reservation of rights, v. 30, p. 62.

Fraud by insured, v. 29, p. 284.

Intentional or negligent infliction, emotional distress, v. 42, p. 583.

Tortious claims handling.

See INSURANCE.

HOSPITAL LIABILITY.

Academic medical centers, v. 36, pp. 641 to 675.

Administrative services, v. 35, pp. 157 to 190.

Adverse drug reactions, v. 34, pp. 327 to 344.

Angiography and interventional radiology, v. 34, pp. 421 to 426.

Articles.

"Defense of Emergency Medicine Malpractice Cases," v. 37, p. 625.

"Does Hospital Corporate Liability Extend to Medical Staff Supervision?," v. 32, p. 203.

"DRG Reimbursement and Medical Malpractice Liability," v. 34, p. 221.

"Emergency Room Follow-Up Care and Malpractice Liability," v. 45, p. 297.

"Hospital Corporate Liability: Toward a Stricter Standard for Administrative Services," v. 35, p. 157.

"Hospital Liability for Independent Contractors: Where Do We Go from Here?," v. 37, p. 75.

"Hospitals' Liability for Physicians' Malpractice," v. 35, p. 544.

"Innovative Therapy: The Responsibility of Hospitals," v. 33, p. 623.

INDEX OF SUBJECTS

HOSPITAL LIABILITY —Cont'd

Articles —Cont'd

- "Legal Aspects of Angiography and Interventional Radiology," v. 34, p. 421.
- "Liability Issues Arising from Hospitals' Use of Temporary Supplemental Staff Nurses," v. 40, pp. 663 to 695.
- "Liability of Physicians, Pharmacists, and Hospitals for Adverse Drug Reactions," v. 34, p. 273.
- "Malpractice Issues in the Academic Medical Center," v. 36, p. 641.
- "Nurses and Malpractice," v. 33, p. 103.
- "Toward a More Realistic and Consistent Use of Respondeat Superior in the Hospital," v. 34, p. 577.
- Borrowed servant rule, v. 34, pp. 583 to 586.
- Corporate negligence.
 - Administrative services, v. 35, pp. 157 to 190.
 - Innovative therapy, v. 33, pp. 643 to 646.
 - Medical staff, v. 32, pp. 203 to 210; v. 35, pp. 163 to 173, 556 to 562.
- Discharge or neglect of patient, v. 31, p. 68.
- DRG reimbursement and medical malpractice, v. 34, pp. 221 to 241.
- Emergency room follow-up care, v. 45, pp. 297 to 335.
- Emergency treatment, defense of cases, v. 37, pp. 625 to 667.
- Equipment defective or improper, v. 28, p. 11.
- Incompetence of staff physician imputed, v. 29, p. 17.
- Independent contractor-physicians, v. 37, pp. 75 to 106.
- Injections, v. 28, p. 10.
- Innovative therapy, responsibility of hospitals, v. 33, pp. 623 to 654.
- Maternity patient, failure to monitor, v. 30, p. 480.
- Medical staff negligence, hospital liability for.
 - Generally, v. 32, pp. 203 to 210; v. 35, pp. 163 to 173, 541 to 577.
 - Radiologists, v. 34, p. 425.
- Medical staff review committees, discovery of proceedings, v. 35, pp. 567 to 573.
- Nurses and malpractice, v. 33, pp. 103 to 108.
- Temporary staff nurses, v. 40, pp. 663 to 695.
- Products and services, distinction between, v. 34, pp. 292 to 301.
- Proximate cause issues, v. 28, p. 10; v. 31, p. 68.

HOSPITAL LIABILITY —Cont'd

Respondeat superior doctrine, v. 34, pp. 577 to 640; v. 35, pp. 546 to 549.

Strict liability, v. 34, pp. 273 to 344; v. 35, pp. 173 to 184.

HOSPITAL RECORDS.

Medical malpractice cases, v. 29, pp. 298, 300; v. 31, p. 117.

Medical staff review committees, discovery of proceedings, v. 35, pp. 567 to 573.

HOTEL AND MOTEL CASES.

Guests, liability to.

Constitutional issues, v. 30, pp. 59 to 61.

Property damage or loss, v. 30, pp. 59 to 61.

Liability to guests, invasion of privacy, v. 29, p. 111.

Respondeat superior issues, nonmanagerial employee's intentional tort, v. 29, p. 112.

I

IMPEACHMENT OF PLAINTIFF.

Accident facts.

Physical facts inconsistent, v. 28, pp. 385, 386.

Pretrial statement used, v. 29, p. 36.

Testimony improbable, v. 29, pp. 206, 207.

Adverse personality change claimed, prior marital difficulties shown, v. 30, p. 33.

Articles.

"Malingering or Mental Distress," v. 35, p. 705.

"Overintrusive Surveillance of Plaintiffs in Personal Injury Cases," v. 35, p. 603.

Character or reputation.

Evidence admissible, v. 30, pp. 33, 47, 48, 50, 51.

Evidence inadmissible, v. 30, pp. 35, 39, 45 to 49.

Disabilities claimed.

Activities after accident, v. 28, pp. 98, 196, 298.

Complaints not made at time of accident, v. 28, pp. 192, 297; v. 30, p. 289.

Malingering, v. 35, pp. 705 to 714.

Previous or subsequent accidents shown, v. 30, p. 173.

Previous or subsequent disease shown, v. 28, pp. 193, 194, 297, 298.

Private investigator's testimony used, v. 28, p. 196.

INDEX OF SUBJECTS

IMPEACHMENT OF PLAINTIFF —Cont'd

Disabilities claimed —Cont'd

Surveillance evidence, v. 35, pp. 614 to 616.

Fire insurance case, conviction of arson, v. 28, p. 255.

Injuries claimed, complaint not made at time of accident, v. 28, pp. 97, 386; v. 29, p. 59; v. 30, p. 289.

Settlement evidence, v. 29, pp. 255, 258.

Surveillance evidence, v. 35, pp. 614 to 616.

INCOME TAXES.

Article.

“Liabilities of Tax Preparers: An Overview,” v. 34, p. 497.

Damage issues, taxation of award, v. 28, p. 444.

Liability of tax preparers, v. 34, pp. 497 to 538.

Lost earnings, consideration of taxes in calculating, v. 36, pp. 291 to 318.

INSTRUCTIONS.

Articles.

“Jury Instructions: A Persistent Failure to Communicate,” v. 38, p. 427.

“Jury Instructions, Pattern or Otherwise,” v. 29, p. 335.

Burden of proof, v. 28, pp. 148, 249; v. 30, pp. 279, 351.

Comprehension of instructions by jurors, v. 38, pp. 427 to 479.

Contributory negligence, v. 29, pp. 205, 279.

Damage issues.

Defamation per se, damage presumed, v. 28, p. 383.

Life expectancy, v. 29, pp. 384, 390, 391.

Nontaxability of awards, v. 29, p. 341.

Punitive damages, v. 30, pp. 109, 195, 196, 201, 212, 357.

Early preparation recommended, v. 29, p. 455.

Erroneous instructions.

Abstract issues, presented, v. 29, p. 341; v. 30, pp. 351, 355, 357.

Duties of jurors, v. 31, p. 121.

Future damages, v. 30, p. 355.

Harmless error, v. 28, pp. 346, 384; v. 30, p. 82; v. 31, p. 143.

Inherently dangerous commodity, v. 28, p. 449.

“Liability,” not fault, apportionment, v. 30, p. 82.

Patent danger rule, v. 28, pp. 423, 435, 436.

Res ipsa loquitur, v. 28, p. 450; v. 29, p. 350.

Standard instruction erroneous, v. 28, pp. 137, 314; v. 29, p. 351.

Standard of care, v. 29, p. 69.

INSTRUCTIONS —Cont'd

Evidentiary basis, necessity, v. 29, pp. 342, 343.

"Good Samaritan" defense, v. 29, p. 290.

Legal malpractice case, standard of care, v. 29, p. 13.

Medical malpractice, standard of care, v. 30, p. 65.

Nontaxability of awards, denial as error, v. 28, p. 444.

Pattern instructions.

Limited use recommended, v. 28, pp. 370, 376, 377; v. 29, pp. 335 to 353.

Other jurisdictions, use of, v. 29, p. 351.

Verdict-directing instructions, v. 28, p. 383.

Preliminary instructions, v. 30, pp. 225 to 227.

Presumptions, rear-end collision cases, v. 28, p. 62; v. 30, p. 365.

Pretrial procedure.

Discovery of opponent's instructions, v. 29, pp. 337, 338.

Early preparation of instructions, v. 29, pp. 336 to 340.

Products liability cases, v. 28, pp. 370, 376, 377, 423, 435, 436, 449, 450.

Res ipsa loquitur, v. 28, p. 450.

INSURANCE.

Accident and health insurance.

See ACCIDENT AND HEALTH INSURANCE.

Adjustors practicing law, v. 31, pp. 409 to 411, 414.

Articles.

"Compulsory Joinder of Compensating Insurers: Federal Rule of Civil Procedure 19 and the Role of Substantive Law," v. 44, p. 363.

"Conflicts of Interest Between Insurer and Insured: Ethical Traps for the Unsuspecting Defense Counsel," v. 44, p. 249.

"Declaratory Judgment Coverage Actions: A Multistate Survey and Analysis and State Versus Federal Law Comparison," v. 44, p. 517.

"Defending Insurers Charged with Wrongful Termination of an Agent," v. 32, p. 555.

"Determining the Scope of 'Bodily Injury or Property Damage' Under the Comprehensive General Liability Policy," v. 36, p. 467.

"Enhancing Juror Effectiveness: An Insurer's Perspective," v. 40, p. 555.

"Evidentiary Autopsies," v. 40, p. 251.

INDEX OF SUBJECTS

INSURANCE —Cont'd

Articles —Cont'd

 "Insurance Adjusters and Plaintiffs' Attorneys: From Claims Fraud Consensus to Settlement Reform," v. 43, p. 43.

 "Insurance Companies and Their Lawyers--The Cost Squeeze," v. 32, p. 391.

 "Insurance Coverage Opinions," v. 44, p. 591.

 "Insurance Versus Indemnification: An Argument for *Stare Decisis*," v. 34, p. 125.

 "Issues and Problems in 'Other Insurance,' Multiple Insurance, and Self-Insurance," v. 45, p. 365.

 "Overintrusive Surveillance of Plaintiffs in Personal Injury Cases," v. 35, p. 603.

 "Punitive Damages: An Insurer's Lament," v. 34, p. 497.

 "Reassessing the 'Sophisticated' Policyholder Defense in Insurance Coverage Litigation," v. 44, p. 189.

 "Review of Recent Tort Trends," v. 33, p. 1.

 "The Admissibility of Insurance Questions During *Voir Dire*: A Critical Survey of Federal Approaches and Proposals for Change," v. 42, p. 135.

 "The Duty to Settle," v. 40, p. 155.

 "The Tort of Bad Faith in First-Party Insurance Transactions After Two Decades," v. 45, p. 611.

 "Walking the Tightrope: The Tripartite Relationship Between Insurer, Insured, and Insurance Defense Counsel," v. 44, p. 479.

 "Where No Minds Meet: Insurance Policy Interpretation and the Use of Drafting History," v. 44, p. 133.

 "Why are Insurance Contracts Subject to Special Rules of Interpretation?," v. 42, p. 385.

Automobile insurance.
 See AUTOMOBILE INSURANCE.

Compromise and settlement.
 See COMPROMISE AND SETTLEMENT.

Compulsory joinder of compensating insurers, v. 44, pp. 363 to 442, 517 to 543.

Conflicts of interest between insurer and insured, v. 44, pp. 249 to 297, 479 to 516.

Drafting history, use in interpreting policy language, v. 44, pp. 133 to 165.

INSURANCE —Cont'd

Fire insurance.

See FIRE INSURANCE.

Fraudulent claims, v. 43, pp. 43 to 111.

Homeowner's insurance.

See HOMEOWNER'S INSURANCE.

Insurance coverage opinions, v. 44, pp. 591 to 670.

Interpretation of insurance contracts, v. 42, pp. 385 to 461; v. 44, pp. 133 to 165, 189 to 247, 591 to 670.

Jury trials, insurer's perspective, v. 40, pp. 555 to 567.

Liability insurance.

See LIABILITY INSURANCE.

Life insurance.

See LIFE INSURANCE.

Multiple insurance, issues and problems, v. 45, pp. 365 to 461.

No-fault insurance.

See NO-FAULT MOTOR VEHICLE INSURANCE.

"Other insurance," issues and problems, v. 45, pp. 365 to 461.

Represented versus unrepresented claimants, v. 43, pp. 43 to 111.

Self-insurance, issues and problems, v. 45, pp. 365 to 461.

"Sophisticated" policyholder defense, v. 44, pp. 189 to 247.

Tort liability for improper claims handling.

Defamation of character, v. 28, p. 401.

Generally, v. 29, pp. 73 to 104; v. 30, pp. 411 to 435; v. 45, pp. 611 to 649.

Implied covenant of good faith, v. 30, pp. 411 to 435.

Punitive damages, v. 34, pp. 483 to 495.

Reducing exposure to punitive and extracontractual damages, v. 34, pp. 483 to 495.

Respondeat superior issues, v. 29, p. 77.

Statutory regulation, v. 29, pp. 115 to 166; v. 31, pp. 93 to 114.

Surveillance of claimants, v. 35, pp. 603 to 624.

Voir dire, admissibility of insurance questions, v. 42, pp. 135 to 192.

INTENTIONAL TORTS.

Articles.

"Comparative Fault and Intentional Torts: Doctrinal Barriers and Policy Considerations," v. 34, p. 383.

"Evaluating Independent Torts Based Upon 'Intentional' or

'Negligent' Infliction of Emotional Distress: How Can We Keep the Baby From Dissolving in the Bath Water?," v. 42, p. 583.

INDEX OF SUBJECTS

INTENTIONAL TORTS —Cont'd

Comparative negligence jurisdictions, v. 34, pp. 383 to 426.
Consent to intentional tort and assumption of risk compared, v. 37, pp. 159 to 170.
Exclusion of intentional torts under liability insurance policies, v. 42, pp. 583 to 674.
Interference with contracts, v. 35, pp. 503 to 539.
Psychic injury, v. 35, p. 205.
Toxic torts, v. 35, pp. 37 to 40.

INTERROGATORIES TO JURY.

Answers accompanying general verdict.

Apportionment of negligence, v. 28, p. 150; v. 29, p. 469; v. 30, pp. 81 to 104.
Arson procured by insured, v. 28, p. 250.
Contributory negligence, v. 28, p. 163.
Damage issues, v. 28, pp. 150, 163, 385.
Incendiary nature of fire, v. 28, p. 250.
Proximate cause issues, v. 28, pp. 150, 163.
Comparative negligence jurisdictions, v. 28, p. 150; v. 30, pp. 81 to 104.

INTERROGATORIES TO PARTIES.

Compelling responses, v. 29, p. 459.
Discovery proceedings generally.
See DISCOVERY.
Failure to answer, effect, v. 30, pp. 253 to 268.
Identity and opinions of experts, v. 31, p. 118.
Privilege or immunity from discovery, v. 29, p. 48.
Protective orders.
Burden or expense, v. 30, pp. 250, 256, 267.
Privileged information, v. 30, pp. 266, 267.
Sanctions for failure to respond.
Abuse of discretion, v. 29, pp. 41 to 45.
Preclusion of evidence, v. 29, pp. 28 to 50.
Updating of answers, sanctions for failure, v. 29, pp. 28 to 50.

J

JOINDER OR SEVERANCE OF ACTIONS.

Articles.

"Compulsory Joinder of Compensating Insurers: Federal Rule of Civil Procedure 19 and the Role of Substantive Law," v. 44, p. 363.

JOINDER OR SEVERANCE OF ACTIONS —Cont'd

Articles —Cont'd

"Declaratory Judgment Coverage Actions: A Multistate Survey and Analysis and State Versus Federal Law Comparison," v. 44, p. 363.

Conditional agreement, plaintiff and co-defendant, v. 29, p. 247.
Malpractice screening provisions, effect, v. 29, pp. 169, 178, 180.
Products liability, cancer causation issues, v. 30, pp. 10, 11.
Release of co-tortfeasor, effect, v. 29, p. 249.
Tortfeasor and treating physician, v. 29, pp. 129, 179, 181.

JUDGMENT NOV.

See **DIRECTED VERDICT OR JUDGMENT NOV.**

JUDICIAL IMMUNITY.

Limitation of doctrine, v. 34, p. 15.

JUDICIAL NOTICE.

Appeal, notice during, v. 29, pp. 380, 388 to 390, 393.
Automobile driver's reaction time, v. 29, pp. 380, 385, 388 to 390.
Geographical facts, v. 29, pp. 385, 396.
Inflation in medical costs, v. 28, p. 491.
Learned treatises, authoritative nature, v. 29, pp. 383, 392.
Legal services, value, v. 29, pp. 393, 398.
Life expectancy, v. 29, pp. 385, 390, 391.
Medical facts, v. 29, pp. 391 to 393.
Notice taken improperly, v. 29, pp. 397 to 399; v. 30, p. 63.

JUDICIAL OPINIONS.

Article.

"The Precedential Value of Unpublished Judicial Opinions," v. 38, p. 119.

JURISDICTION.

Attachment of contractual obligation.

Athlete's relationship with out-of-state college, v. 32, p. 22.

Liability insurance debt inadequate basis, v. 30, p. 16.

Federal diversity jurisdiction, movement to abolish, v. 33, p. 23.

JURY INSTRUCTIONS.

See **INSTRUCTIONS.**

JURY TRIAL.

Alternate jurors, v. 31, p. 120.

INDEX OF SUBJECTS

JURY TRIAL —Cont'd

Articles.

“Applying Batson in Civil Trials: The Greatest Sideshow on Earth,” v. 41, p. 551.

“A Trial Judge's Observations About Voir Dire Examination,” v. 30, p. 223.

“Enhancing Juror Effectiveness: An Insurer's Perspective,” v. 40, p. 555.

“Guidelines and Techniques for Leading and Managing the Litigation Team,” v. 42, p. 675.

“Juror Agreement on the Basis of Negligence,” v. 39, p. 85.

“Jurors' Views of Civil Lawyers: Implications for Courtroom Communication,” v. 43, p. 121.

“On Juries and Damage Awards: The Process of Decision Making,” v. 40, p. 387.

“Practitioner's Notebook: How I Spent My Sabbatical, or What Happens When a Torts Professor Is a Juror in a Negligence Case,” v. 44, p. 705.

“Summary Jury Trials in State and Federal Courts: A Comparative Analysis of the Perceptions of Participating Lawyers,” v. 39, p. 251.

“The Admissibility of Insurance Questions During Voir Dire: A Critical Survey of Federal Approaches and Proposals for Change,” v. 42, p. 135.

“The Opening Moment,” v. 43, p. 1.

“The Rules Have Changed: Amendments to the Federal Rules of Civil Procedure,” v. 43, p. 577.

“The Shot Clock Comes to Trial: Time Limits for Federal Civil Trials,” v. 43, p. 221.

“Tracing the Shadow of the Law: Jury Verdicts in Medical Malpractice Cases,” v. 40, p. 415.

Attorney as member of jury, v. 44, pp. 705 to 731.

Attorneys' courtroom behavior, effect on jury, v. 43, pp. 121 to 160.

Attorneys' lack of jury trial experience, v. 39, pp. 607 to 655; v. 43, p. 259.

Challenges to jurors on basis of race, v. 41, pp. 551 to 573.

Comparative negligence jurisdictions, v. 28, p. 149.

Competency and responsibility of jurors, v. 40, pp. 517 to 553.

Decision making in damage cases, v. 40, pp. 387 to 413.

Disqualification or disability of jurors, v. 31, p. 120.

Effectiveness of jurors, insurer's perspective, v. 40, pp. 555 to 567.

JURY TRIAL —Cont'd

Exclusion of personal injury plaintiff from courtroom, v. 38, pp. 97 to 118.

Factual questions, jurors' approach to.

Arson by insured, v. 28, pp. 249, 250, 251, 253, 254.

Burden of proof, v. 28, pp. 148, 193; v. 29, pp. 420, 427, 428, 431, 437; v. 30, pp. 192, 201 to 204, 347 to 360.

Comparative negligence, v. 28, p. 196; v. 30, p. 195.

Contributory negligence, v. 28, pp. 162, 164; v. 29, p. 206.

Credibility, v. 28, pp. 196, 386; v. 29, pp. 206, 211 to 230, 420, 427; v. 30, pp. 348, 351 to 353, 355, 360.

Damages, v. 28, pp. 192, 195, 199, 201, 382, 386, 388, 496; v. 40, pp. 387 to 413.

Emergency situation, v. 28, p. 148.

Emotional distress, v. 29, pp. 427, 428, 437.

Future income taxes, v. 28, p. 444.

Malice, v. 28, p. 203.

Negligence, basis of, v. 39, pp. 85 to 129.

Proximate cause, v. 28, pp. 150, 163, 193, 446.

Punitive damages, v. 30, pp. 191, 203, 204.

Respondeat superior issues, v. 28, p. 381.

"Serious injury," no-fault case, v. 29, p. 60.

Voir dire examination, v. 30, pp. 225 to 228.

Importance of trials, v. 43, pp. 247 to 265.

Jurors' views of lawyers, v. 43, pp. 121 to 160.

Less-than-unanimous verdicts, v. 29, p. 206; v. 31, pp. 121, 124.

Medical malpractice cases, jury verdicts, v. 40, pp. 415 to 449.

Misconduct of counsel.

See MISCONDUCT OF COUNSEL.

Misconduct of judge.

See MISCONDUCT OF JUDGE.

Misconduct of jurors.

See MISCONDUCT OF JURORS.

Negligence, juror agreement on basis of, v. 39, pp. 85 to 129.

Objections, effect on jurors, v. 29, p. 221.

Opening statement, v. 43, pp. 1 to 42.

Peremptory challenges to jurors on basis of race, v. 41, pp. 551 to 573.

Right to jury trial.

Additur or remittitur, effect, v. 28, p. 97.

Directed verdict as denial, v. 30, pp. 349, 351, 352, 355.

INDEX OF SUBJECTS

JURY TRIAL —Cont'd

Right to jury trial —Cont'd

Exclusion of evidence as impairment, v. 30, p. 41.

Medical malpractice statutes, v. 28, pp. 68, 75, 77.

Selection of jurors, v. 30, pp. 228, 238, 240 to 246; v. 31, pp. 117 to 129.

Settlement evidence, admissibility, v. 29, pp. 239, 241, 246 to 249.

Summary jury trials, v. 39, pp. 251 to 275.

Time limits for federal civil trials, v. 43, pp. 220 to 295.

Voir dire examination.

See **VOIR DIRE EXAMINATION OF JURORS**.

L

LANDLORD AND TENANT.

Articles.

“A Fresh Look at Premises Liability as Affected by the Warranty of Habitability,” v. 33, p. 525.

“Property Law: The Growing Accountability of Landlords for Third-Party Criminal Attacks,” v. 41, p. 729.

“The Taming of a Duty—The Tort Liability of Landlords,” v. 32, p. 497.

Conversion of property, admissibility of prior occurrences, v. 30, p. 451.

Crimes of third parties, landlord's liability, v. 32, pp. 540 to 550; v. 41, pp. 729 to 753.

Dog bite case, v. 28, p. 53.

Exculpatory contracts, v. 32, pp. 537 to 540.

Habitability, implied warranty of, v. 32, pp. 507 to 510; v. 33, pp. 525 to 567.

Interference with contracts, v. 35, p. 512.

Negligence and strict liability of landlord generally.

Changes in case law, v. 32, pp. 513, 516 to 537.

Traditional view, v. 32, pp. 500 to 507, 514 to 516.

Premises liability generally, v. 33, pp. 525 to 567.

See also **PROPERTY POSSESSOR'S LIABILITY**.

Real estate generally.

See **REAL ESTATE**.

Warranty of habitability, v. 33, pp. 525 to 567.

LAST CLEAR CHANCE.

Carrier accident case, v. 30, p. 355.

“Humanitarian” doctrine, v. 29, pp. 380, 388.

LEGAL MALPRACTICE.

Action not pursued in timely manner, v. 30, pp. 465 to 467.
Annotations, v. 30, pp. 157 to 167, 386 to 396, 454 to 468.
Appeal bond not filed, v. 30, p. 465.
Appeal not timely filed, v. 30, pp. 464, 466.
Articles.
 "Am I My Partner's Keeper? Peer Review in Law Firms," v. 44, p. 547.
 "Attorney Malpractice and the Trial Within a Trial: Time for a Change," v. 35, p. 677.
 "Causes of Legal Malpractice," v. 33, p. 447.
 "Hazards of Vexatious Conduct in Litigation," v. 30, p. 123.
 "Legal Malpractice Damages in a Trial Within a Trial--A Critical Analysis of Unique Concepts: Areas of Unconscionability," v. 40, p. 79.
 "Legal Malpractice in Estate Planning--Perilous Times Ahead for the Practitioner," v. 31, p. 417.
 "Legal Malpractice Statutes of Limitations: A Critical Analysis of a Burgeoning Crisis," v. 36, p. 405.
 "Liabilities of Tax Preparers: An Overview," v. 34, p. 497.
 "Presumed Innocent? Financial Institutions, Professional Malpractice Claims, and Defenses Based on Management Misconduct," v. 45, p. 189.
 "Preventing Legal Malpractice in Large Law Firms," v. 39, p. 25.
 "Professional Discipline for Law Firms," v. 42, p. 83.
 "Regulating Lawyers' Negotiations," v. 35, p. 65.
 "The Doctor and His Lawyer: Conflicts of Interest," v. 32, p. 25.
ATLA Study, v. 33, p. 461.
Burden of proof, v. 35, pp. 677 to 704.
Causes of legal malpractice, v. 33, pp. 447 to 465.
Change in law following reliance on advice, v. 31, pp. 74, 78, 80.
Clifford Trust case, v. 31, pp. 79, 83.
Comparative negligence rule, failure to anticipate, v. 31, p. 80.
Concealment of client's potential liability, v. 31, p. 468.
Conduct causing dismissal of action or defense, v. 30, pp. 124, 141 to 145.
Conflicting interests represented.
 "Chinese Wall" defense invalid, v. 30, p. 156.
Family members represented by same attorney, v. 30, p. 468.
Insured and insurer conflicts, v. 30, pp. 13, 14, 16, 159, 164, 165, 457, 462; v. 32, p. 25.

INDEX OF SUBJECTS

LEGAL MALPRACTICE —Cont'd

Conflicting interests represented —Cont'd

Medical malpractice cases, v. 32, p. 25.

Contract misconstrued, v. 31, p. 77.

Corporate director or officer, lawyer acting as, v. 39, pp. 31 to 42.

Creation of attorney-client relationship, v. 30, p. 13.

Criminal defense allegedly inept, v. 30, p. 466; v. 31, p. 82.

Damages.

Burden of proof, v. 28, p. 14; v. 30, pp. 14, 459 to 467.

Punitive, v. 30, p. 12.

Wrongful conduct in litigating a controversy, v. 40, pp. 79 to 118.

Definition of legal malpractice, v. 33, p. 447.

Divorce actions, v. 30, pp. 390, 466; v. 31, pp. 73, 81, 83.

Documents negligently prepared, v. 30, p. 390.

Documents not filed, v. 30, p. 462.

Estate planning, v. 31, pp. 417 to 514.

Expert evidence necessity, v. 29, p. 30.

Expert opinion evidence, v. 29, p. 30; v. 30, pp. 462, 490, 497.

FDIC actions, v. 45, pp. 189 to 270.

Financial institutions, claims by or on behalf of, v. 45, pp. 189 to 270.

Honest error defense, v. 31, pp. 73 to 85.

Increase in litigation, v. 28, pp. 11, 418 to 425.

Insurer's duty to defend, v. 33, p. 22.

Large law firms, preventing malpractice in, v. 39, pp. 25 to 67.

Law firms, professional discipline for, v. 42, pp. 83 to 133.

Law issues, resolution by court, v. 30, pp. 490, 497.

Legal research inadequate, v. 30, p. 13; v. 31, pp. 79, 83, 85.

Limitation of actions, accrual of cause, v. 36, pp. 405 to 466.

Local counsel, limitations on liability, v. 31, p. 137.

Management misconduct as defense, v. 45, pp. 189 to 270.

Medical malpractice litigation, v. 30, pp. 159, 164, 165, 386, 393 to 396; v. 31, p. 84; v. 32, p. 25.

Military pension cases, v. 31, pp. 73, 81, 83.

Misrepresentation in negotiations, v. 35, pp. 86 to 92.

Missouri Bar Study, v. 33, p. 448.

Mitigation of damages, v. 29, p. 266.

Monitoring conduct of other firm partners, v. 44, pp. 547 to 589.

National Legal Malpractice Data Center Study, v. 33, p. 461.

Negotiating for client, standards governing, v. 35, pp. 65 to 155.

LEGAL MALPRACTICE —Cont'd

Nonclients, duty to, v. 30, pp. 379 to 396.
Partner, action against, v. 30, p. 463; v. 44, pp. 547 to 589.
Peer review in law firms, v. 44, pp. 547 to 589.
Proximate cause issue, v. 30, pp. 463, 466; v. 35, pp. 677 to 704.
Purchase of encumbered property, v. 30, p. 467.
Real estate cases, v. 30, p. 391; v. 31, p. 84.
Rule 11 violations, v. 41, p. 222.
Service of process, failure to obtain, v. 30, p. 464.
Settlement of claims, v. 28, p. 12; v. 30, pp. 14, 454 to 459, 467, 468; v. 31, p. 81.
Southern Conference of Bar Presidents Study, v. 33, p. 455.
Specialization, effect on standard of care, v. 31, p. 476.
Standard of care required.

- Code of Professional Liability as evidence, v. 30, pp. 14, 15.
- Estate planning, v. 31, p. 425.
- General practitioner, v. 29, p. 13.
- Honest error defense, v. 31, pp. 73 to 85.
- Negotiating for client, v. 35, pp. 65 to 155.
- Specialists, v. 31, p. 476.

Statute of limitations allowed to run, v. 30, pp. 12, 13, 368, 388.
Statutes of limitations governing legal malpractice actions, v. 36, pp. 405 to 466.

"Suit within a suit."

- Annotation, v. 30, pp. 454 to 468.
- Bifurcated trial, v. 35, pp. 677 to 704.
- Burden of proof, v. 34, pp. 677 to 704.
- Conflicts of interest, v. 30, pp. 455 to 459, 462, 468.
- Damages, v. 30, pp. 459 to 467; v. 40, pp. 79 to 118.
- Defamation case, v. 30, pp. 454 to 457.
- Equitable estoppel, v. 35, pp. 677 to 704.
- Inconsistent legal arguments, v. 30, pp. 460, 461.
- Proximate cause, v. 35, pp. 677 to 704.
- Settlement of case, v. 30, pp. 454 to 459.
- Sufficiency of evidence generally, v. 30, pp. 462 to 468; v. 35, pp. 677 to 704.

Tax cases, v. 31, pp. 79, 83, 459.
Tax preparers, v. 34, pp. 497 to 538.
Trial strategy errors, v. 31, pp. 80, 82.
"Trial within a trial"—See "Suit within a suit," above.

INDEX OF SUBJECTS

LEGAL MALPRACTICE —Cont'd

- Unsettled questions of law, v. 31, pp. 74, 75, 79, 80.
- Unsound advice, v. 30, pp. 463, 465, 467; v. 31, pp. 73 to 83.
- Vexatious conduct, v. 30, pp. 12, 123.
- Virginia State Bar Study, v. 33, p. 451.
- Wills and estates, v. 31, pp. 417 to 514.

LIABILITY INSURANCE.

- Architects' coverage under design-build/construction contracting, v. 33, pp. 353 to 363.

Articles.

- “Architects' Expanded Liability Under Design-Build/Construction Contracting,” v. 33, p. 325.
- “Compulsory Joinder of Compensating Insurers: Federal Rule of Civil Procedure 19 and the Role of Substantive Law,” v. 44, p. 363.
- “Conflicts of Interest Between Insurer and Insured: Ethical Traps for the Unsuspecting Defense Counsel,” v. 44, p. 249.
- “Declaratory Judgment Coverage Actions: A Multistate Survey and Analysis and State Versus Federal Law Comparison,” v. 44, p. 517.
- “Defending Insurers Charged with Wrongful Termination of an Agent,” v. 32, p. 555.
- “Determining the Scope of 'Bodily Injury or Property Damage' Under the Comprehensive General Liability Policy,” v. 36, p. 467.
- “Enhancing Juror Effectiveness: An Insurer's Perspective,” v. 40, p. 555.
- “Insurance Adjusters and Plaintiffs' Attorneys: From Claims Fraud Consensus to Settlement Reform,” v. 43, p. 43.
- “Insurance Coverage Opinions,” v. 44, p. 591.
- “Insurance Versus Indemnification: An Argument for *Stare Decisis*,” v. 34, p. 125.
- “Overintrusive Surveillance of Plaintiffs in Personal Injury Cases,” v. 35, p. 603.
- “Punitive Damages: An Insurer's Lament,” v. 34, p. 497.
- “Reassessing the 'Sophisticated' Policyholder Defense in Insurance Coverage Litigation,” v. 44, p. 189.
- “Recent Cases Interpreting the Implied Covenant of Good Faith and Fair Dealing,” v. 30, p. 411.
- “Review of Recent Tort Trends,” v. 31, pp. 6, 14.
- “The Duty to Settle,” v. 40, p. 155.

LIABILITY INSURANCE —Cont'd

Articles —Cont'd

"Where No Minds Meet: Insurance Policy Interpretation and the Use of Drafting History," v. 44, p. 133.

"Bodily injury" under comprehensive general liability policy, v. 36, pp. 469 to 481.

Claims adjusting, investigation and settlement.

Fraudulent claims, v. 43, pp. 43 to 111.

Reduction of costs, v. 43, pp. 43 to 111.

Represented versus unrepresented claimants, v. 43, pp. 43 to 111.

Surveillance of claimant, v. 35, pp. 603 to 624.

Third parties, privity issues, v. 29, pp. 355 to 376; v. 30, pp. 22 to 24.

Tortious claims handling.

See INSURANCE.

Compromise and settlement.

See COMPROMISE AND SETTLEMENT.

Compulsory joinder of compensating insurers, v. 44, pp. 363 to 442, 517 to 543.

Conflicts of interest between insurer and insured, v. 44, pp. 249 to 297.

Declaratory judgment action.

Noncoverage alleged by insurer, v. 28, p. 242.

Settlement impasse, action to resolve, v. 29, p. 372.

Defense of insured, duty of insurer.

Intentional tort by insured, v. 28, p. 242.

Public policy issues, v. 28, pp. 243, 249.

Direct action against insurer.

Lack of privity defense, v. 29, pp. 356, 363 to 366; v. 30, pp. 22 to 24.

Unfair practices as basis, v. 29, pp. 355 to 376; v. 30, pp. 22 to 24.

Excess judgment liability.

Bad faith predicate, v. 30, pp. 413 to 419.

Self-insured's duty to excess insurer, v. 30, p. 417.

Fraudulent claims, v. 43, pp. 43 to 111.

House counsel use, v. 30, p. 2; v. 32, pp. 391 to 397.

Insurance coverage opinions, v. 44, pp. 591 to 670.

Insurance generally.

See INSURANCE.

INDEX OF SUBJECTS

LIABILITY INSURANCE —Cont'd

Intentional or negligent infliction of emotional distress, v. 42, p. 583.

Interpretation of insurance contracts, v. 42, pp. 385 to 461; v. 44, pp. 133 to 165, 189 to 247, 591 to 670.

Juries, insurer's view of effectiveness, v. 40, pp. 555 to 567.

Lack of notice defense, v. 31, p. 205.

Legal malpractice insurance, availability and cost, v. 28, p. 11.

Medical malpractice insurance.

- Availability and cost, v. 28, p. 7; v. 29, p. 15.
- "Freezing" coverage and premiums unlawful, v. 28, p. 79.

Products liability insurance.

- Asbestos manufacturer's coverage, v. 31, pp. 6 to 8.
- Availability and cost, v. 28, p. 20.

"Property damage" under comprehensive general liability policy, v. 36, pp. 481 to 488.

Punitive damages, coverage by insurance, v. 29, p. 7; v. 30, p. 110.

Represented versus unrepresented claimants, v. 43, pp. 43 to 111.

Retroactive insurance, v. 31, p. 14.

"Sophisticated" policyholder defense, v. 44, pp. 189 to 247.

Tortious claims handling.

- See INSURANCE.

Unpredictable court decisions, effect on industry, v. 34, pp. 125 to 134.

LIBEL.

See DEFAMATION.

LIE DETECTORS.

Employers' use of lie detectors, v. 35, pp. 289 to 316.

LIFE INSURANCE.

Accidental death.

Accidental means versus accidental results, v. 33, pp. 593 to 621.

Burden of proof, v. 30, p. 425.

Discovery rights of insurer, v. 29, p. 395.

Accident and health insurance.

See ACCIDENT AND HEALTH INSURANCE.

Articles.

"Defending Insurers Charged with Wrongful Termination of an Agent," v. 32, p. 555.

"Evidentiary autopsies," v. 40, p. 251.

LIFE INSURANCE —Cont'd

Articles —Cont'd

“Psychological Autopsy: Clinical and Legal Perspectives,” v. 43, p. 597.

“Punitive Damages: An Insurer’s Lament,” v. 34, p. 483.

“Recent Cases Interpreting the Implied Covenant of Good Faith and Fair Dealing,” v. 30, p. 411.

“Statutes and Regulations Controlling Life and Health Insurance Claim Practice—An Update,” v. 31, p. 92.

“The Distinction Between Accidental Means and Accidental Results in Accidental Death Insurance,” v. 33, pp. 593 to 621.

Autopsies.

Evidentiary, v. 40, pp. 251 to 317.

Psychological, v. 43, pp. 597 to 638.

Coverage issues, v. 29, p. 200.

Estate planning errors, liability of insurers, v. 31, pp. 507 to 510.

Insurance generally.

See INSURANCE.

Mental state of insured prior to death, determining, v. 43, pp. 597 to 638.

Misrepresentation in application, health and medical history, v. 28, p. 355.

Insurer’s right to cancel, v. 28, p. 356.

Model Regulation, v. 29, pp. 163 to 167; v. 31, pp. 95 to 102.

Statutes and regulations controlling claims practices.

Attorneys’ fees of claimant, v. 29, pp. 133 to 135; v. 31, p. 109.

Authority to issue policies, v. 29, pp. 139 to 141; v. 31, p. 109.

Checklist, practices to avoid, v. 29, pp. 146 to 149; v. 31, pp. 110 to 114.

Interest on payments withheld, v. 29, pp. 135 to 139; v. 31, p. 109.

Model Act, v. 29, pp. 153 to 162; v. 31, p. 95.

Model Regulation, v. 29, pp. 163 to 167; v. 31, pp. 95 to 102.

Sanctions, v. 29, pp. 126 to 129; v. 31, p. 108.

Unfair practices legislation, violation of, v. 29, pp. 355 to 376.

Tortious claims handling.

See INSURANCE.

LIMITATION OF ACTIONS.

Accrual of cause.

Death of actions, v. 29, p. 20.

Discovery rule, v. 29, p. 422.

INDEX OF SUBJECTS

LIMITATION OF ACTIONS —Cont'd

Accrual of cause —Cont'd

Home builder's or vendor's warranty, v. 29, pp. 505, 507, 512, 514 to 516.

Radiation injury, v. 30, p. 375.

Amended pleading, relation back, v. 30, p. 179.

Architects', builders' or contractors' liability, v. 28, pp. 17, 357.

Article.

"Forum Shopping for Stale Claims: Statutes of Limitations and Conflict of Laws," v. 39, p. 543.

Conflict of laws and statutes of limitation, v. 39, pp. 543 to 572.

Contract or tort statute applicable, v. 29, pp. 514, 516.

Fraudulent concealment issues, v. 30, p. 177.

Implied warranty of habitability, v. 29, pp. 505, 507, 512, 514 to 516.

Legal malpractice actions, v. 36, pp. 405 to 466.

Medical malpractice.

See MEDICAL MALPRACTICE.

Minor plaintiffs.

Builders' or contractors' liability unaffected, v. 28, p. 360.

Medical malpractice statutes, v. 29, p. 422.

Products liability, v. 32, pp. 351 to 390; v. 36, pp. 213 to 250.

Radiation injury case, v. 30, p. 375.

Savings statute, applicability.

Construction of statute, v. 29, p. 492.

Original suit in different jurisdiction, v. 29, p. 491.

Tolling of period, v. 29, pp. 180, 203, 204, 422.

M

MALICIOUS PROSECUTION.

Attorney as defendant, v. 28, pp. 14, 15; v. 30, pp. 386, 393 to 396; v. 31, pp. 36 to 39, 47.

Counterclaims by medical malpractice defendants, v. 31, pp. 36 to 39.

Malice factors, v. 28, p. 15.

"Special injury" requirements, v. 28, p. 15.

MARY CARTER AGREEMENTS.

See COMPROMISE AND SETTLEMENT.

MASTER AND SERVANT.

See EMPLOYERS AND EMPLOYEES.

MEDICAL EVIDENCE.

See also EXPERT EVIDENCE.

Amnesia, v. 28, p. 350.

Amputation of limb.

Arm amputation, v. 28, p. 442.

Cancer necessitating, v. 28, p. 442.

Leg amputation, demonstrative evidence, v. 30, p. 171.

Articles.

"Defending Mental Injury Claims: Cross-Examining the Plaintiff's Expert Witness," v. 36, p. 141.

"Emotional Distress Claims in Medical Malpractice Cases," v. 40, p. 569.

"Evidentiary Autopsies," v. 40, p. 251.

"Ex Parte Interviews with Plaintiff's Treating Physicians: The Offensive Use of the Physician-Patient Privilege," v. 40, p. 321.

"Litigating Head Trauma: The Hidden Evidence of Disability," v. 39, p. 377.

"Medicine in the Courtroom: How Much Objectivity?," v. 36, p. 529.

"Posttraumatic Stress Disorder and Concussion: Are They Incompatible?," v. 43, p. 113.

Autopsy evidence, v. 40, pp. 251 to 317.

Back and spine, v. 28, pp. 98, 195, 495.

Basis for opinion.

Autopsy, v. 28, p. 52.

Books, treatises and articles, v. 29, pp. 383, 391 to 393.

Coroner's examination and report, v. 28, p. 52.

Electroencephalogram, v. 28, p. 380.

Examination of plaintiff, v. 28, pp. 98, 298; v. 29, p. 212.

Hypothetical questions, v. 30, p. 494.

Laboratory tests, v. 28, p. 442.

Subjective complaints and statements, v. 28, p. 195.

X-rays, v. 28, pp. 98, 156; v. 29, pp. 169, 211.

Behaviorism, theory of, v. 32, p. 675.

Biased physicians, v. 36, pp. 529 to 534.

Biologic psychiatry, theory of, v. 32, p. 675.

Bladder injury, v. 28, p. 54.

INDEX OF SUBJECTS

MEDICAL EVIDENCE —Cont'd

Brain concussion and posttraumatic stress disorder, compatibility, v. 43, pp. 113 to 120.

Brain injury, v. 28, p. 380; v. 29, p. 524; v. 30, p. 401.

Burns, v. 28, p. 494; v. 30, pp. 198, 205.

Cancer growth rate, v. 33, pp. 77 to 102.

Cardiovascular disease.

- Traumatic causation, v. 28, p. 52.
- Workers' compensation case, v. 28, p. 365; v. 30, p. 358.

Certainty of opinion, possibility opinion inadmissible, v. 28, p. 52.

Diagnostic and Statistical Manual of Mental Disorders (DSM III), v. 32, pp. 73 to 85.

Disfigurement, v. 28, pp. 179, 491, 494; v. 29, p. 329; v. 30, pp. 198, 205.

Drug reactions, v. 28, pp. 95, 148; v. 31, p. 117.

Emotional distress, severity and duration, v. 29, pp. 427, 441, 442.

Epidemiology and statistical evidence, v. 38, pp. 189 to 258, 673 to 692.

Expert opinion unnecessary, v. 28, p. 57.

Failure to present medical witness, v. 28, pp. 56, 158, 352; v. 31, p. 70.

Fees and expenses of witnesses.

- Taxable as costs, when, v. 29, pp. 181 to 195.

Hazardous substance litigation, evidence of causation, v. 38, pp. 189 to 258.

Head injury cases, "hidden" evidence of disability, v. 39, pp. 377 to 411.

Interpersonal psychiatry, theory of, v. 32, p. 674.

Judicial notice, v. 29, pp. 383, 385, 390 to 399.

Learned treatises, probative value, v. 29, pp. 383, 391 to 393.

Malpractice screening panels.

- Burden of proof, v. 29, pp. 299, 300.
- Decision of panel, v. 29, p. 297.

Medical expenses, v. 28, pp. 192, 195, 495; v. 29, p. 329.

Medical review panel's report, v. 28, pp. 68, 73, 81, 83 to 86.

Mental functioning and behavior, basic theories, v. 32, pp. 671 to 676.

 See also NEUROSES AND PSYCHOSES.

Neck injury, v. 28, p. 298; v. 29, p. 329.

Nerve injury, v. 28, p. 156; v. 29, p. 212.

Neuropsychological evaluations, v. 36, pp. 363 to 402.

MEDICAL EVIDENCE —Cont'd

Neuroses and psychoses.

See **NEUROSES AND PSYCHOSES**.

Nursing care of postoperative patient, v. 30, p. 492.

Objective versus subjective evidence, v. 36, pp. 529 to 534.

Pain and suffering.

See **PAIN AND SUFFERING**.

Posttraumatic stress disorder and brain concussion, compatibility, v. 43, pp. 113 to 120.

Psychiatric care standards, v. 30, p. 492.

Psychiatric evidence.

Cross-examination of experts, v. 36, pp. 141 to 149.

Head injury cases, "hidden" evidence of disability, v. 39, pp. 377 to 411.

Malingering versus mental distress, v. 35, pp. 705 to 714.

Personality disorder, v. 28, pp. 95, 380; v. 30, p. 401.

Psychiatrist who acts as "attorney" precluded as expert witness, v. 31, p. 56.

Qualifications of witnesses, v. 29, p. 301.

Standard of care, v. 29, p. 300.

Traumatic neurosis.

See **NEUROSES AND PSYCHOSES**.

Psychiatric theories, v. 32, p. 671.

Psychoanalysis, theory of, v. 32, p. 671.

Psychological evidence, v. 28, pp. 91, 179, 185; v. 33, pp. 507 to 524.

Neuropsychological evaluations, v. 36, pp. 363 to 402.

Psychological tests, v. 33, pp. 507 to 524; v. 35, pp. 705 to 714.

Silicone injections, side effects, v. 31, p. 167.

Stipulated evidence, v. 28, p. 192.

Surgery explained and demonstrated, operation described, v. 28, pp. 56, 58, 156.

Thermograms, v. 33, pp. 499 to 503.

Unrelated acts of negligence, admissibility, v. 30, p. 477.

Viability of fetus, v. 29, p. 392.

X-rays, injury to fetus, v. 29, p. 494.

MEDICAL EXAMINATION OF CLAIMANT.

Articles.

"Fundamentals of Disability Determination and Rehabilitation:

"A Higher Ground for the Applied Neurobehavioral Sciences," v. 36, p. 363.

INDEX OF SUBJECTS

MEDICAL EXAMINATION OF CLAIMANT —Cont'd

Articles —Cont'd

“Litigating Head Trauma: The ‘Hidden’ Evidence of Disability,” v. 39, p. 377.

“Posttraumatic Stress Disorder and Concussion: Are They Incompatible?,” v. 43, p. 113.

Examining physician’s standard of care, v. 28, pp. 119 to 133.

Head injury cases, v. 39, pp. 377 to 411; v. 43, pp. 113 to 120.

Neuropsychological examinations, v. 36, pp. 363 to 402; v. 37, pp. 499 to 510.

Physicians’ inability to detect malingering, v. 35, pp. 705 to 714.

Psychological tests, v. 33, pp. 507 to 524; v. 35, pp. 705 to 714.

MEDICAL MALPRACTICE.

Academic medical centers, v. 36, pp. 641 to 675.

Action for services, counterclaim for malpractice, v. 29, p. 179.

Admissions against interest.

- Diagnostic error admitted, v. 30, p. 65.
- Side effects not explained, v. 30, p. 356.
- Silicone injections, illegality of, v. 31, p. 167.
- Adverse drug reactions, v. 34, pp. 273 to 344.
- Anesthesia case, cardiac arrest, v. 28, p. 59.
- Angiography and interventional radiology, v. 34, pp. 421 to 426.

Articles.

- “Battling a Receding Tort Frontier: Constitutional Attacks on Medical Malpractice Laws,” v. 35, p. 359.
- “Common Knowledge in Medical Malpractice Litigation: A Diagnosis and Prescription,” v. 32, p. 399.
- “Consent to Treatment: Exceptions to the Rules,” v. 33, p. 579.
- “Defense of Delayed Diagnosis and Treatment of Breast Cancer,” v. 33, p. 77.
- “Defense of Emergency Medicine Malpractice Cases,” v. 37, pp. 625 to 667.
- “Does Hospital Corporate Liability Extend to Medical Staff Supervision?,” v. 32, p. 203.
- “DRG Reimbursement and Medical Malpractice Liability,” v. 34, p. 221.
- “Emergency Room Follow-Up Care and Malpractice Liability,” v. 45, p. 297.
- “Emotional Distress Claims in Medical Malpractice Cases,” v. 40, p. 569.
- “Hospitals’ Liability for Physicians’ Malpractice,” v. 35, p. 541.

MEDICAL MALPRACTICE —Cont'd

Articles —Cont'd

"Informed Consent in the Prescription Drug Context: The Special Case," v. 36, p. 153.

"Innovative Therapy: The Responsibility of Hospitals," v. 33, p. 623.

"Legal Aspects of Angiography and Interventional Radiology," v. 34, p. 421.

"Liability Issues Arising from Hospitals' Use of Temporary Supplemental Staff Nurses," v. 40, pp. 663 to 695.

"Liability of Physicians, Pharmacists, and Hospitals for Adverse Drug Reactions," v. 34, p. 273.

"Medical Malpractice v. The Business Judgment Rule: Differences in Hindsight Bias," v. 45, p. 59.

"Medication Malpractice: Claims, Culprits, and Defenses," v. 42, p. 315.

"Nurses and Malpractice," v. 33, p. 103.

"The Doctor and His Lawyer: Conflicts of Interest," v. 32, p. 25.

"The Practitioner's Guide to Informed Consent," v. 41, p. 73.

"Toward a More Realistic and Consistent Use of Respondent Superior in the Hospital," v. 34, p. 577.

"Tracing the Shadow of the Law: Jury Verdicts in Medical Malpractice Cases," v. 40, p. 415.

"Why are People Negligent? Technology, Nondurable Precautions, and the Medical Malpractice Explosion," v. 38, p. 1.

"Wrongful Life and Wrongful Birth: Medical Malpractice in Genetic Counseling and Prenatal Testing," v. 31, p. 555.

"Wrongful Pregnancy," v. 31, p. 370.

Bladder injury during hysterectomy, v. 28, p. 55.

Business judgment rule and medical malpractice cases, v. 45, pp. 59 to 109.

Cancer, fear of developing, v. 31, p. 166; v. 35, pp. 443 to 464.

Cancer treatment, v. 33, pp. 77 to 102.

Causes of negligence, v. 38, pp. 1 to 50.

Common knowledge doctrine, v. 32, pp. 399 to 422.

Comparative negligence issues, emergency medicine cases, v. 37, pp. 641 to 650.

Composition, v. 28, pp. 67, 72, 78, 81.

Consent to treatment, v. 33, pp. 579 to 591, 632 to 640.

Conspiracy of silence, v. 32, pp. 405 to 422.

INDEX OF SUBJECTS

MEDICAL MALPRACTICE —Cont'd

Contributory negligence defense, v. 29, p. 204; v. 37, pp. 635 to 637.

Cosmetic surgery case, v. 28, p. 7; v. 31, p. 166.

Counterclaims by defendants.

Berlin v. Nathan, v. 30, p. 386; v. 31, p. 38.

Defamation claimed, v. 31, pp. 145, 149, 155.

Early claims unsuccessful, v. 28, p. 14.

Frivolous lawsuits, v. 31, pp. 36 to 39.

Generally, v. 30, pp. 393 to 396.

Damages.

Mental pain damages, v. 30, p. 21; v. 40, pp. 569 to 604.

Periodic payments, future damages, v. 29, pp. 17, 18; v. 30, pp. 26, 27.

Statutory limitations, v. 35, pp. 385 to 391.

Defendant doctor as expert for self, v. 28, p. 56; v. 29, pp. 46, 494.

Dental malpractice.

Anesthetic improperly administered, v. 28, p. 7.

Limitation of actions, v. 29, p. 180.

Oral surgery, v. 29, p. 15.

Diagnostic negligence.

Angiography and interventional radiology, v. 34, pp. 421 to 426.

Delayed diagnosis of breast cancer, v. 33, pp. 77 to 102.

Emotional distress, negligent infliction, v. 29, pp. 424 to 429; v. 30, p. 21.

Generally, v. 28, pp. 8, 441; v. 29, pp. 16, 169, 240, 244, 424, 426.

Wrongful life cases, v. 31, pp. 555 to 600.

Directed verdict or judgment for defense, v. 28, pp. 56, 59, 157; v. 29, p. 495.

Disclosure of confidential information, v. 28, pp. 393 to 418.

DRG reimbursement and medical malpractice, v. 34, pp. 221 to 241.

Drugs and vaccines.

Informed consent issue, v. 36, pp. 153 to 211.

Liability for adverse reactions generally, v. 34, pp. 273 to 344.

Medication errors generally, v. 42, pp. 315 to 358.

Overprescribing, v. 36, pp. 175 to 179.

Emergency medicine, defense of cases, v. 37, pp. 625 to 667.

Emergency room follow-up care, v. 45, pp. 297 to 335.

Emotional distress claims, v. 40, pp. 569 to 604.

MEDICAL MALPRACTICE —Cont'd

Expert opinion evidence.

Discovery rights of adverse party, v. 29, pp. 41 to 50.

Medical review panel's report, v. 28, pp. 68, 73, 81, 83 to 86.

Mixed question of law and fact, v. 30, p. 497.

Necessity, v. 28, pp. 55, 57, 59, 158, 159; v. 29, p. 495.

"Obvious negligence" exception, v. 29, p. 495.

Qualifications of experts, v. 29, pp. 300, 301; v. 30, p. 67.

Screening panel's findings, v. 29, pp. 170, 174, 180, 297, 419 to 421.

Foreign object left in body, v. 28, p. 155.

Fractures, diagnosis and treatment, v. 29, p. 244.

FTCA case, v. 28, p. 130.

Genetic counseling, v. 31, pp. 555 to 600.

"Good Samaritan" defense, v. 28, pp. 142, 143; v. 29, p. 289.

Hereditary afflictions in children, failure to warn of risk, v. 31, pp. 555 to 600.

Hindsight bias in medical malpractice cases, v. 45, pp. 59 to 109.

Hospital emergency departments, follow-up care, v. 45, pp. 297 to 335.

Hospital liability for medical staff negligence.

See **HOSPITAL LIABILITY**.

Hospital negligence.

See **HOSPITAL LIABILITY**.

Hospitals, physicians contracting independently with, v. 37, pp. 75 to 106.

Inefficiencies criticized, v. 29, pp. 176, 177.

Informed consent.

Disparities between philosophical and legal concepts, v. 36, pp. 341 to 361.

Generally, v. 33, pp. 579 to 591, 632 to 640; v. 36, pp. 341 to 361; v. 41, pp. 73 to 125.

Prescription drug cases, v. 36, pp. 153 to 211.

Injections, v. 30, p. 351.

Innovative therapy, v. 33, pp. 623 to 654.

Insurance forms, neglect in filing, v. 28, pp. 123, 126, 132.

Joinder of medical and nonmedical parties, v. 29, pp. 170, 179, 181.

Judicial notice issues, v. 29, pp. 383, 391 to 393.

Jurisdiction issues, v. 29, pp. 169 to 181, 295, 301.

Jury verdicts in malpractice cases, v. 40, pp. 415 to 449.

INDEX OF SUBJECTS

MEDICAL MALPRACTICE —Cont'd

Lack of privity defense, v. 28, pp. 119 to 133.

Legislative reform—See within this heading, "State malpractice statutes."

Limitation of actions.

Accrual of cause, v. 28, p. 94; v. 29, pp. 203, 204.

Special statutory period, v. 29, pp. 203, 422; v. 31, p. 167; v. 35, p. 392.

Tolling limitations period, v. 28, p. 94; v. 29, pp. 203, 204; v. 33, pp. 18, 19.

Limitation of liability, v. 28, pp. 68, 78, 82, 87; v. 29, pp. 240, 244, 421.

Negligent creation of emotional distress, cause of action recognized, v. 30, p. 21.

Nurses and malpractice, v. 33, pp. 103 to 108.

Temporary staff nurses, v. 40, pp. 663 to 695.

Osteopaths as defendants, v. 29, p. 255.

Pregnancy, wrongful, v. 31, pp. 371 to 407.

Prenatal testing, v. 31, pp. 555 to 600.

Psychiatrist as defendant.

Breach of confidence, v. 32, p. 19.

Sexual or social involvement with patient, v. 28, p. 94.

Suicide of patient, v. 28, p. 10.

Third parties injured by patient, v. 28, pp. 411, 413; v. 29, p. 23; v. 33, p. 22.

Psychologist as defendant, third-parties injured by patient, v. 33, pp. 18, 22.

Radiation injuries.

See X-RAYS.

Radiologists' negligence, v. 34, pp. 421 to 426.

Res ipsa loquitur, v. 28, pp. 157, 158; v. 32, pp. 399 to 422.

Respondeat superior issues.

Employee medical examinations, v. 28, pp. 129 to 131.

Hospital employees, v. 34, pp. 577 to 639.

Hospital liability for medical staff negligence.

See HOSPITAL LIABILITY.

State malpractice statutes.

Constitutionality, v. 28, pp. 66 to 88; v. 35, pp. 359 to 404.

Screening panels, v. 29, pp. 169 to 180.

Sterilization operations, v. 28, pp. 10, 11; v. 31, pp. 371 to 407; v. 32, p. 17.

MEDICAL MALPRACTICE —Cont'd

Strict liability issue, v. 28, p. 59; v. 34, pp. 301 to 326.

Technology and negligence, v. 38, pp. 1 to 50.

Tortfeasor's liability for subsequent malpractice, v. 29, pp. 170, 180.

Unrelated acts of negligence, admissibility, v. 30, p. 477.

Voir dire examination, v. 30, pp. 240 to 244.

Warning patient.

Drugs and vaccines, v. 29, p. 382; v. 36, pp. 133 to 211.

Extent of warning necessary, v. 28, p. 57; v. 29, p. 383.

Generally, v. 33, pp. 579 to 591, 632 to 640; v. 36, pp. 341 to 361.

Genetic disease, misdiagnosed, v. 28, pp. 8, 9; v. 29, p. 446.

Psychosurgery, v. 29, p. 298.

Radiation injury to fetus, v. 29, p. 493.

Written consent, v. 29, pp. 298, 300.

Wrongful birth, life or pregnancy.

See CHILDREN.

X-rays.

See X-RAYS.

MENTALLY DISABLED.

Article.

"The Liability of Mentally Disabled Tort Defendants," v. 45, p. 650.

MENTAL PAIN.

Articles.

"Challenging Posttraumatic Stress Disorder Claims," v. 38, p. 407.

"Challenging the Plaintiff's Psychological Tests," v. 33, p. 507.

"Curing Cancerphobia Phobia: Reasonableness Redefined," v. 45, p. 337.

"Defending Mental Injury Claims: Cross-Examining the Plaintiff's Expert Witness," v. 36, p. 141.

"Emotional Distress Claims in Medical Malpractice Cases," v. 40, p. 569.

"Evaluating Independent Torts Based Upon 'Intentional' or 'Negligent' Infliction of Emotional Distress: How Can We Keep the Baby From Dissolving in the Bath Water?," v. 42, p. 583.

"Evaluating Mental Injury and Impairment: The Major Theoretical Frameworks in Psychiatry," v. 32, p. 671.

INDEX OF SUBJECTS

MENTAL PAIN —Cont'd

Articles —Cont'd

"Fear of Disease and Delayed Manifestation Injuries: A Solution or a Pandora's Box?," v. 35, p. 1.

"Liability to Bystanders for Negligently Inflicted Emotional Harm--A Comment on the Nature of Arbitrary Rules," v. 32, p. 275.

"Malingering or Mental Distress?," v. 35, p. 705.

"Mental Injury in Workers' Compensation: Psychodiagnostic Implications," v. 37, p. 107.

"New Terminology for the 'Traumatic Neurosis' Case: Challenging the Plaintiff's Psychiatrist," v. 32, p. 73.

"Posttraumatic Stress Disorder and Concussion: Are They Incompatible?," v. 43, p. 113.

"Psychoneurologic Disorders: Emerging Toxic Tort Claims in the 1990s," v. 40, pp. 607 to 661.

"Recovery for Cancerphobia and Increased Risk of Cancer," v. 35, p. 443.

"Recovery for Psychic Harm in Strict Products Liability: Has the Interest in Psychic Equilibrium Come the Final Mile?," v. 35, p. 193.

"Suing Media for Emotional Distress: A Multi-Method Analysis of Tort Law Evolution," v. 33, p. 283.

Bystanders, liability to, v. 32, pp. 275 to 319; v. 35, pp. 247 to 258, 264.

Medical malpractice claims, v. 40, pp. 569 to 604.

Cancer, fear of developing, v. 31, p. 443; v. 35, pp. 1 to 64, 259 to 264, 443 to 464; v. 45, pp. 337 to 361.

Cross-examination of experts.
See CROSS-EXAMINATION.

Death case, emotional shock as cause, v. 29, p. 434.

Generally, v. 42, pp. 583 to 674.

Impact rule.

Abrogated, v. 28, p. 185; v. 29, pp. 434, 443.

Retained, v. 28, p. 187; v. 29, p. 443.

Intentional infliction of emotional distress, v. 42, pp. 583 to 674.

Latent disease, fear of, v. 31, p. 166; v. 35, pp. 1 to 64, 258 to 264.

Lie detector test as cause of distress, v. 35, pp. 293 to 296.

Malingering versus mental distress, v. 35, pp. 705 to 714.

Media as defendant, actions for emotional distress, v. 33, pp. 283 to 324.

MENTAL PAIN —Cont'd

Medical malpractice claims, v. 40, pp. 569 to 604.

Mental functioning and behavior, basic psychiatric theories, v. 32, pp. 671 to 676.

Negligent creation of emotional distress.

Bystanders, liability to, v. 32, pp. 275 to 319; v. 35, pp. 247 to 258, 264.

Cause of action recognized, v. 30, p. 21.

Foreseeability issues, v. 30, p. 21.

Neuroses.

See NEUROSES AND PSYCHOSES.

"Outrageous" conduct as cause.

Burden of proof, v. 29, p. 497.

Cause of action not recognized, v. 28, p. 186.

Elements, v. 29, pp. 87, 199, 497.

Extreme distress requirement, v. 28, p. 497.

Impact rule, v. 28, p. 187.

Insurer as defendant, v. 29, pp. 4 to 6, 73 to 103.

Media as defendant, v. 33, pp. 283 to 324.

Medical malpractice claims, v. 40, pp. 569 to 604.

Motel case, v. 29, p. 111.

Nuclear plant as defendant, v. 30, p. 34.

Parental discipline not outrageous, v. 29, p. 496.

Polygraph test required by employer, v. 35, pp. 293 to 296.

Public disclosure of private facts, v. 28, pp. 290, 291.

Respondeat superior liability, v. 29, pp. 77, 111.

Stockbroker's conduct, v. 33, p. 2.

Telephone harassment, v. 28, p. 293.

Union's intimidation of corporate executive, v. 33, p. 2.

Polygraph test as cause of distress, v. 35, pp. 293 to 296.

Posttraumatic stress disorder and brain concussion, compatibility, v. 43, pp. 113 to 120.

Psychic injury without trauma.

Ad hoc determination, v. 29, pp. 426, 436.

Cancer, fear of developing.

See CANCER.

Cause of action recognized, v. 28, p. 91; v. 29, pp. 424, 434; v. 30, p. 21.

Collision where plaintiff's children usually played, v. 33, p. 3.

Defamation as cause, v. 28, p. 461.

Extrasensory empathy between twins, v. 29, pp. 432, 440, 445.

INDEX OF SUBJECTS

MENTAL PAIN —Cont'd

Psychic injury without trauma —Cont'd

Foreseeability issues, v. 28, p. 186; v. 29, pp. 425, 433; v. 32, p. 18; v. 33, p. 3.

Home builder's breach of warranty as cause, v. 29, p. 510.

Impact rule retained, v. 28, p. 186; v. 29, p. 443.

Injury to near relative, v. 28, pp. 91, 179 to 190; v. 29, pp. 22, 424 to 426.

Judicial trends, v. 29, p. 439.

Media as defendant, v. 33, pp. 283 to 324.

Post-traumatic stress disorder claims, v. 38, pp. 407 to 424.

Products liability cases, v. 29, p. 441; v. 32, p. 18; v. 35, pp. 193 to 266.

Psychiatrist's breach of confidence, v. 32, p. 19.

Relative mistakenly thought to be injured, v. 33, p. 4.

Strict products liability, v. 35, pp. 193 to 266.

Time or distance factors, v. 28, pp. 92, 181, 184; v. 29, pp. 430, 437 to 445.

Unseen assault of plaintiff's child, v. 29, p. 444.

"Wrongful birth" cases, v. 29, pp. 439, 443, 446; v. 32, p. 18.

Zone of danger rule, v. 29, pp. 441, 443; v. 30, p. 480; v. 32, pp. 18, 275 to 319.

Psychological tests, value of, v. 33, pp. 507 to 524; v. 35, pp. 705 to 714.

Strict liability, v. 30, p. 70; v. 35, pp. 43, 44, 193 to 266.

Toxic tort claims, v. 40, pp. 607 to 661.

Workers' compensation cases, v. 37, pp. 107 to 118.

MISCONDUCT OF COUNSEL.

Appeals to prejudice or bias, v. 29, pp. 221, 225 to 228.

Article.

"Hazards of Vexatious Conduct in Litigation," v. 30, p. 123.

Betrayal of client or former client, v. 30, pp. 149 to 168.

Disobedience of court rule or order.

Discovery not provided, v. 30, p. 265.

Personal liability of counsel, v. 30, pp. 256, 265.

Excessive discovery tactics, v. 30, p. 254.

Fee assessment as punishment, v. 30, pp. 123 to 147.

"Guaranteed verdict" agreement issues, v. 29, p. 237.

Inadmissible evidence presented, v. 28, pp. 262, 267.

Representing conflicting interests, v. 29, pp. 11, 12.

Rule 11 violations, v. 36, pp. 489 to 519, v. 41, pp. 185 to 235, 237 to 283.

MISCONDUCT OF COUNSEL —Cont'd

Trial conduct disguising clients' interest, v. 29, pp. 242 to 245.
Voir dire examination, v. 28, p. 262; v. 29, pp. 483, 486.

MISCONDUCT OF JUDGE.

Circumventing legislation, v. 30, p. 86.
Judicial notice improperly taken, v. 29, pp. 397 to 399.
Out-of-court evidence, v. 30, pp. 86, 109.
Writ of prohibition to correct, v. 30, p. 56.

MISCONDUCT OF JURORS.

Circumstantial evidence, v. 28, p. 482.
Verdicts.

Excessive as evidence of bias, v. 28, p. 482; v. 29, pp. 5, 77, 99; v. 30, pp. 108, 109.

Inadequacy as evidence of bias, v. 29, p. 331.

MOTION PICTURE OR VIDEOTAPE EVIDENCE.

Amusement ride injury case, v. 30, p. 453.
Article.

"Overintrusive Surveillance of Plaintiffs in Personal Injury Cases," v. 35, p. 603.

Depositions, use of videotape, v. 29, pp. 189, 195.
Experimental evidence demonstrated, v. 29, p. 462.
Plaintiff's disability demonstrated, v. 29, p. 328.
Railroad accident, v. 29, pp. 461, 462.
Relevancy issues, v. 29, p. 328; v. 30, p. 38.
Surveillance of plaintiffs, v. 35, pp. 603 to 624.

MOTORCYCLE ACCIDENTS.

Automobile-motorcycle collisions, v. 28, p. 265; v. 30, p. 347.
Contributory negligence, v. 28, p. 265.
Experimental evidence, v. 30, p. 277.
Products liability, v. 28, p. 432; v. 31, p. 163.
Property possessor's liability, v. 29, p. 65.
Railroad crossing accident, v. 30, p. 276.

N

NEUROSES AND PSYCHOSES.

Articles.

"Challenging Posttraumatic Stress Disorder Claims," v. 38, p. 407.

"Challenging the Plaintiff's Psychological Tests," v. 33, p. 507.

INDEX OF SUBJECTS

NEUROSES AND PSYCHOSES —Cont'd

Articles —Cont'd

"Defending Mental Injury Claims: Cross-Examining the Plaintiff's Expert Witness," v. 36, p. 141.

"Fear of Disease and Delayed Manifestation Injuries: A Solution or a Pandora's Box?," v. 35, p. 1.

"New Terminology for the 'Traumatic Neurosis' Case: Challenging the Plaintiff's Psychiatrist," v. 32, p. 73.

"Posttraumatic Stress Disorder and Concussion: Are They Incompatible?," v. 43, p. 113.

"Psychoneurologic Disorders: Emerging Toxic Tort Claims in the 1990s," v. 40, pp. 607 to 661.

"Where, in DSM-III-R, Is 'Compensation Neurosis'?," v. 37, p. 511.

Cancerphobia, v. 35, pp. 1 to 64, 258 to 264.

Medical evidence.

- Compensation neurosis, v. 37, pp. 511 to 521.
- Cross-examination of plaintiff's psychiatrist, v. 32, pp. 73 to 85.
- Danger to self or others, v. 30, p. 381.
- Diagnostic and Statistical Manual of Mental Disorders (DSM III).
- Compensation neurosis under, v. 37, pp. 511 to 521.
- Posttraumatic stress disorders under, v. 38, pp. 407 to 424.
- Use in cross-examination, v. 32, pp. 73 to 85.

Malingering plaintiffs, v. 35, pp. 705 to 714.

Neuropsychological evaluations, v. 36, pp. 363 to 402; v. 37, pp. 499 to 510.

Permanency of condition, v. 28, p. 380.

Posttraumatic stress disorder and brain concussion, compatability, v. 43, pp. 113 to 120.

Psychiatric malpractice as cause, v. 28, p. 94.

Psychological tests, v. 33, pp. 507 to 524; v. 35, pp. 705 to 714.

- Neuropsychological evaluations, v. 36, pp. 363 to 402; v. 37, pp. 499 to 510.

Toxic tort claims, v. 40, pp. 607 to 661.

Traumatic causation.

- Challenging posttraumatic stress disorder claims, v. 38, p. 407.
- Challenging psychiatric testimony, v. 32, pp. 73 to 85.

Detecting the malingerer, v. 35, pp. 705 to 714.

DEFENSE LAW JOURNAL

NO-FAULT MOTOR VEHICLE INSURANCE.

- Collateral source benefits, v. 28, p. 20; v. 30, p. 181.
- Constitutionality of statutes, v. 28, p. 20.
- Construction of statutes, v. 28, pp. 20, 21; v. 30, p. 182.
- Loss of earnings, v. 28, p. 21; v. 30, p. 182.
- Medical expense coverage, v. 28, pp. 20, 21.
- Multiple coverages, priority issues, v. 28, p. 20.
- Restrictions on tort actions.
 - Medical threshold issues, v. 29, p. 59.
 - "Serious injury" issues, v. 29, p. 195.
- Subrogation issues, v. 28, p. 20.
- Tortious claims handling, v. 28, p. 20.

P

PAIN AND SUFFERING.

Articles.

- "Final Moments: Damages for Pain and Suffering Prior to Death," v. 39, p. 133.
- "Fundamentals of Disability Determination and Rehabilitation: A Higher Ground for the Applied Neurobehavioral Sciences," v. 36, p. 363.
- "Psychological Approaches to Chronic Pain: Assessment and Treatment," v. 36, p. 521.
- Basis for pain and suffering awards, v. 39, pp. 150 to 169.
- Chronic pain.
 - Acute and chronic pain distinguished, v. 36, p. 525.
 - Back pain, neuropsychological evaluation, v. 36, pp. 378 to 391.
 - Psychological approaches to treatment, v. 36, pp. 521 to 528.
- Final moments prior to death, damages for pain and suffering, v. 39, pp. 133 to 249.
- Mental pain.
 - See **MENTAL PAIN.**

Nature of pain and suffering, v. 39, pp. 141 to 149.

Thermography as method of diagnosis, v. 33, pp. 499 to 503.

PHARMACISTS.

Article.

- "Liability of Physicians, Pharmacists and Hospitals for Adverse Drug Reactions," v. 34, p. 344.

PHOTOGRAPHIC EVIDENCE.

Accuracy questioned, v. 31, p. 229.

INDEX OF SUBJECTS

PHOTOGRAPHIC EVIDENCE —Cont'd

Article.

“Overintrusive Surveillance of Plaintiffs in Personal Injury Cases,” v. 35, p. 603.

Color pictures, medical treatment demonstrated, v. 29, p. 327. Injuries and disabilities demonstrated, hospital photographs, v. 29, p. 327.

Invasion of privacy issues, v. 28, pp. 399, 400, 407, 408, 417. Motion pictures.

See MOTION PICTURE OR VIDEOTAPE EVIDENCE.

Prejudicial photographs, gruesomeness, v. 29, p. 327.

Surveillance of plaintiffs generally, v. 35, pp. 603 to 624.

PLEADING.

Affirmative defenses, v. 28, pp. 249, 251, 253, 254; v. 29, p. 454.

Amendment of pleadings.

Conforming to evidence, v. 28, p. 300.

Right to amend, v. 28, p. 353.

Strategy decisions, v. 29, pp. 455, 464.

Articles.

“Federal Adjudication of Facts: The New Regime,” v. 39, p. 339.

“Practice and Procedure under Amended Rule 11 of the Federal Rules of Civil Procedure,” v. 36, p. 489.

Attorney's certification of belief in pleadings, v. 31, p. 31.

Practice under Fed. R. Civ. P. 11, v. 36, pp. 489 to 519.

Depositions.

See DEPOSITIONS.

Discovery.

See DISCOVERY.

Dismissal, failure to state cause or defense, v. 28, pp. 180, 183, 187.

Emotional trauma cases, v. 28, pp. 180, 183, 187.

Federal courts.

Changing approach to pleading, v. 39, pp. 339 to 376.

Pleadings under Rule 11, v. 39, pp. 489 to 519.

Interrogatories.

See INTERROGATORIES TO PARTIES.

POLICE.

Defamation actions, officers as plaintiffs, v. 28, pp. 476 to 478.

Injury to police officer.

Apportionment of damages, v. 28, p. 197.

Assumption of risk, “fireman's rule,” v. 29, p. 401; v. 30, p. 272.

POLICE —Cont'd

Injury to police officer —Cont'd

Automobile-motorcycle accident, v. 28, p. 265.

Police procedure, expert evidence on, v. 30, pp. 494, 497.

POLYGRAPHS.

Employers' use of polygraph tests, v. 35, pp. 289 to 316.

PRENATAL INJURY.

Products liability cases, v. 30, pp. 7 to 10, 68.

PREPARATION FOR TRIAL.

Articles.

"A Trial Judge's Observations About Voir Dire Examinations," v. 30, p. 223.

"Document Control and Management in Complex Litigation," v. 38, p. 593.

"Guidelines and Techniques for Leading and Managing the Litigation Team," v. 42, p. 675.

"Overintrusive Surveillance of Plaintiffs in Personal Injury Cases," v. 35, p. 603.

"Procuring Trial Testimony from Corporate Officers and Employees: Alternative Methods and Suggestions for Reform," v. 43, p. 161.

"Representing Corporate Plaintiffs in Complex Litigation," v. 45, pp. 497 to 517.

"Strategic and Scientific Considerations in Toxic Tort Defense," v. 35, p. 405.

"The Rules Have Changed: Amendments to the Federal Rules of Civil Procedure," v. 43, p. 577.

"Witness Preparation," v. 39, p. 457.

Complex litigation, v. 39, pp. 593 to 632.

Corporate officers and employees, procuring trial testimony from, v. 43, pp. 161 to 185.

Corporate plaintiffs in complex litigation, v. 45, pp. 497 to 517.

Depositions.

See DEPOSITIONS.

Discovery.

See DISCOVERY.

Document control and management, v. 38, pp. 593 to 632.

Instructions.

See INSTRUCTIONS.

INDEX OF SUBJECTS

PREPARATION FOR TRIAL —Cont'd

Interrogatories.

See **INTERROGATORIES TO PARTIES.**

Litigation teams, management of, v. 42, pp. 675 to 711.

Railroad accident cases, v. 29, pp. 450, 462 to 465.

Surveillance of plaintiffs, v. 35, pp. 603 to 624.

Toxic tort cases, v. 35, pp. 405 to 441.

Voir dire.

See **VOIR DIRE EXAMINATION OF JURORS.**

Witness preparation, v. 39, pp. 457 to 541.

PRESUMPTIONS.

Competency of witnesses, v. 29, p. 310.

Constitutionality of statutes, v. 28, p. 70.

Damages from defamation *per se*, v. 28, p. 384.

Good faith of corporate officers, v. 31, p. 3.

Rear-end collision, following driver's negligence, v. 28, p. 62.

PRIVACY.

Articles.

"Overintrusive Surveillance of Plaintiffs in Personal Injury Cases," v. 35, p. 603.

"Suing Media for Emotional Distress: A Multi-Method Analysis of Tort Law Evolution," v. 33, p. 283.

"The New Privacy Interest: Electronic Mail in the Workplace," v. 43, p. 491.

Commercial exploitation.

Definition and elements, v. 29, p. 198.

Entertainer as plaintiff, v. 28, p. 292.

Literary works, v. 28, p. 290.

Newsworthiness as excuse, v. 28, p. 290; v. 33, pp. 305 to 324.

Physicians as defendants, v. 28, pp. 399, 400, 407, 410, 417.

Waiver issues, v. 28, p. 417.

Constitutional law issues, v. 28, pp. 280, 281, 291, 292; v. 29, p. 198.

Damage, nominal award adequate, v. 28, p. 498.

Deceased persons, v. 28, p. 290; v. 29, p. 501.

Drug testing of employees, v. 36, pp. 260 to 263; v. 37, p. 288.

Electronic mail in the workplace, v. 43, pp. 491 to 532.

Employees, privacy rights of, v. 43, pp. 494 to 519.

"False light" actions, v. 28, pp. 288, 290, 291.

Intrusion cases, v. 28, p. 496; v. 29, p. 197.

PRIVACY —Cont'd

Lie detector test as invasion of privacy, v. 35, p. 297.
Malice or recklessness as element, v. 28, pp. 288, 291, 292; v. 33, p. 312.
Media as defendant, v. 33, pp. 283 to 324.
Motel owner's liability, intrusion by employee, v. 29, p. 111.
Newsworthy event justification, v. 28, pp. 280, 288 to 291; v. 33, pp. 305 to 324.
Physicians as defendants, actions by patients.
 Commercial exploitation, v. 28, pp. 399, 400, 407, 410, 417.
 Disclosure to spouse, v. 28, pp. 406, 414.
 Intrusion case, v. 28, p. 408.
 "Private fact" disclosures, v. 28, p. 406.
 Public interest justification, v. 28, pp. 410 to 414.
 Waiver issues, v. 28, pp. 415 to 417.
Polygraph test as invasion of privacy, v. 35, p. 297.
Public disclosure issues, v. 28, pp. 279, 283.
Rape victim, disclosing identity, v. 28, p. 280.
Relational right not recognized, v. 29, p. 501.
Right of privacy not recognized, v. 29, p. 88.
Surveillance of personal injury plaintiff, v. 35, pp. 603 to 624.
Telephone company as defendant, v. 28, pp. 282, 293 to 295.
Television broadcaster as defendant, v. 28, pp. 278, 280, 288 to 293; v. 33, pp. 305 to 324.

PRIVILEGED COMMUNICATIONS.

Article.

 "Corporate Confidentiality: Problems and Dilemmas of Corporate Counsel," v. 32, p. 321.
 "Ex Parte Interviews with Plaintiff's Treating Physicians: The Offensive Use of the Physician-Patient Privilege," v. 40, p. 321.
 "Inadvertent Waiver of the Attorney-Client Privilege by Disclosure of Documents: An Economic Analysis," v. 40, p. 119.
 "Protecting the Confidentiality of Corporate Internal Investigations and Compliance Audits," v. 45, pp. 497 to 517.
Attorney-client privilege.
 Corporate counsel, v. 32, pp. 321 to 349; v. 45, pp. 497 to 517.
 Inadvertent waiver of disclosure of documents, v. 40, pp. 119 to 152.
 Reports or statements taken by insurer, v. 30, p. 55.

INDEX OF SUBJECTS

PRIVILEGED COMMUNICATIONS —Cont'd

Attorney-client privilege —Cont'd

Work product.

See **WORK PRODUCT DOCTRINE**.

Corporate internal investigations and compliance audits, v. 45, pp. 497 to 517.

Federal Rules of Evidence, state law applied, v. 28, p. 397.

Physician-patient privilege.

Common-law rule, v. 28, p. 395.

Court-ordered disclosure, v. 28, pp. 294, 397.

Disclosure required by law, v. 28, p. 410.

Ethics codes, v. 28, pp. 395, 404.

Ex parte interviews with plaintiff's treating physicians, v. 40, pp. 321 to 354.

Hospital records, v. 30, p. 174.

Spouses of patients, v. 28, p. 414.

Statutes creating, v. 28, pp. 393, 395.

Veteran's Administration records, v. 30, p. 175.

Waiver issues, v. 28, pp. 415 to 417.

Psychiatrist-patient privilege.

Life insurance claim as waiver, v. 29, p. 395.

Third persons endangered, duty to warn, v. 28, p. 413.

PRODUCTS LIABILITY.

Adverse drug reactions, v. 34, pp. 273 to 344.

Advertising of product, warranty by advertising, v. 28, pp. 339, 345.

"Aiding and abetting" theory, v. 31, pp. 254 to 259.

"Alternative liability" theory, v. 31, pp. 245 to 263.

Articles.

"A Practical Approach to State of the Art Evidence in Strict Products Liability Cases," v. 32, p. 155.

"A Trial Judge's Observations About Voir Dire Examination," v. 30, pp. 244 to 247.

"Choice of Law in Product Liability Actions: Order for the Practitioner in a Reign of Chaos," v. 33, p. 467.

"Comparative Negligence in Strict Products Liability: The Courts Render the Final Judgment," v. 35, p. 267.

"Contractor Liability for Design Defects Under the Inspection Clause: Latent Designs Defects--A Sleeping Giant?," v. 42, p. 359.

"Design Defect" in Products Liability: Rethinking Negligence and Strict Liability," v. 31, p. 517.

PRODUCTS LIABILITY —Cont'd

Articles —Cont'd

"Design Defect Liability: In Search of a Standard of Responsibility," v. 43, p. 425.

"Distinguishing Between Products and Services in Strict Liability," v. 33, p. 423.

"Fear of Disease and Delayed Manifestation Injuries: A Solution or a Pandora's Box?," v. 35, p. 1.

"Federal Reform of Product Liability Law: A Solution That Will Work," v. 34, p. 19.

"Liability of Physicians, Pharmacists, and Hospitals for Adverse Drug Reactions," v. 34, p. 273.

"Product Liability and Software," v. 31, p. 335.

"Product Liability of the 1980s: 'Repose Is Not the Destiny' of Manufacturers," v. 32, p. 351.

"Products Liability of a Successor Corporation—Acquisition of 'Bad Will' with 'Good Will,'" v. 32, p. 55.

"Recovery for Psychic Harm in Strict Products Liability: Has the Interest in Psychic Equilibrium Come the Final Mile?," v. 35, p. 193.

"Res Ipsa Loquitur and Indeterminate Product Defects: If They Speak for Themselves, What are They Saying?," v. 44, p. 671.

"Retribution and Deterrence: The Role of Punitive Damages in Products Liability Litigation," v. 35, pp. 467, 625.

"Review of Recent Tort Trends," v. 32, p. 1; v. 33, p. 1.

"Risks of Assumption: Impacts of Regulatory Label Warnings Upon Industrial Products Liability," v. 37, p. 325.

"Strict Products Liability: The Original Intent," v. 39, p. 279.

"Surrogate Immunity: The Government Contract Defense and Products Liability," v. 36, pp. 537 to 605.

"The Case Against Strict Liability," v. 42, p. 531.

"The Duty to Warn and Instruct for Safe Use in Strict Tort Liability," v. 31, p. 267.

"The Post-Sale Duty to Warn: Two Unfortunate Forks in the Road to a Reasonable Doctrine," v. 33, p. 261.

"The Trade Association and Product Safety Standards: Of Good Samaritans and Liability," v. 39, p. 1.

"Trial by Lottery: The Misuse of Epidemiology and Statistics to Prove Causation in Drug and Chemical Litigation," v. 38, p. 673.

INDEX OF SUBJECTS

PRODUCTS LIABILITY —Cont'd

Articles —Cont'd

“Workers’ Compensation and Product Liability: The Interaction of a Tort and a Non-Tort Regime,” v. 39, p. 415.

Asbestos.

See ASBESTOS LITIGATION.

Assumption of risk defense.

Athletic equipment, v. 28, p. 342.

Crane, v. 31, p. 9.

Diving board, v. 31, p. 9.

Generally, v. 28, pp. 427 to 438; v. 37, pp. 187 to 191.

Tennis court surface, v. 28, pp. 22, 344.

Tractor-trailer brakes, v. 30, p. 374.

Athletic or recreational products.

Assumption of risk, v. 28, pp. 335, 342, 344.

Automatic pitching machine, v. 28, p. 338.

Carnival ride, v. 30, p. 453.

Fencer’s mask, v. 28, p. 332.

Golf cart, v. 28, p. 320.

Golf training device, v. 28, p. 344.

Gym bar, v. 28, p. 346.

Hockey helmet, v. 28, p. 345.

Sliding board, v. 28, p. 343.

Snowmobile, v. 28, p. 316.

Sports equipment in general, v. 28, pp. 332 to 346.

Swimming pool, v. 29, p. 207.

Trampoline, v. 28, pp. 344, 433.

Automobile products.

Brakes, v. 28, p. 2; v. 30, p. 374.

Drive shaft, v. 30, p. 183.

Exhaust system, v. 30, p. 359.

Fuel tank, v. 28, p. 1; v. 30, p. 189.

Gear shift, v. 28, pp. 375, 430.

Punitive damages, v. 35, pp. 480 to 492.

Seat belts, v. 29, p. 21.

Seat belt defense, v. 36, pp. 24 to 28, 625 to 637.

Steering gear, v. 28, pp. 2, 373, 374.

Tires, v. 28, p. 447.

Used vehicle, v. 30, p. 183.

Aviation products, conflict of laws issues, v. 31, p. 16.

Design liability, v. 28, pp. 324, 326, 374, 376, 437; v. 29, p. 61.

Expert held incompetent, v. 29, p. 63.

PRODUCTS LIABILITY —Cont'd

Aviation products, conflict of laws issues —Cont'd

State of the art defense, v. 28, p. 374.

Beverage products, exploding bottle case, v. 28, p. 371; v. 31, p. 135.

Birth control devices, v. 29, p. 489; v. 34, p. 7.

Burden of proof, v. 30, pp. 7 to 10.

Changed condition defense, v. 28, pp. 421, 428, 429, 433.

Choice of law, v. 33, pp. 467 to 497.

Circumstantial evidence, v. 28, pp. 373, 430; v. 30, pp. 7 to 10.

Class actions, v. 30, pp. 6, 9; v. 32, pp. 15, 16; v. 33, p. 17.

Cleansers, warning by manufacturer, v. 28, p. 316.

Comparative negligence jurisdictions.

Generally, v. 30, pp. 101, 103; v. 31, pp. 9 to 11.

Strict liability cases, v. 35, pp. 267 to 288.

Computer or computer products, v. 31, pp. 335 to 369; v. 32, pp. 627 to 669.

"Concerted action" theory, v. 31, pp. 249 to 263; v. 32, p. 12; v. 34, p. 6.

Conformity to industry standards.

Generally, v. 28, pp. 305 to 330; v. 30, pp. 200, 284.

Sports equipment, v. 28, pp. 334, 341, 345.

Contributory negligence.

Custom and habit evidence, v. 28, p. 425.

Patent danger issues, v. 28, pp. 420 to 438.

Costs of litigation, expert's fees and expenses, v. 29, p. 191.

Criminal actions against manufacturers, v. 28, p. 19; v. 29, p. 20.

Dalkon Shield cases, v. 34, p. 7.

Damages, punitive—See within this heading, "Punitive damages."

Design liability.

Accident-free use defense, v. 29, pp. 207, 208.

Accidents suffered by others, v. 29, p. 209.

Automobile products, v. 28, pp. 1, 2, 430, 433; v. 29, p. 216; v. 30, p. 189.

Conformity to industry standards—See within this heading,
"Conformity to industry standards."

Crashworthy car, duty to design, v. 29, pp. 238, 258, 469.

Crawler-trailer without roll-over protection, v. 33, p. 7.

Expert evidence, v. 28, pp. 304, 320, 338, 341; v. 29, p. 217; v. 30, p. 198.

Firearms, v. 30, p. 194; v. 33, p. 7.

INDEX OF SUBJECTS

PRODUCTS LIABILITY —Cont'd

Design liability —Cont'd

Foreseeability of injury—See within this heading, "Foreseeability of injury."

Functional approach to defects, v. 31, p. 545.

Government contracts, v. 42, pp. 359 to 381.

Household appliances and equipment, v. 28, p. 306.

Industrial machinery, v. 28, pp. 310, 313, 325, 364, 372, 374, 375; v. 32, p. 14.

Latent design defects, v. 42, pp. 359 to 381.

Patent danger issues, v. 28, pp. 420 to 438.

Post-accident design change, v. 29, p. 326.

Public policy, v. 29, pp. 326, 327.

Responsibility of manufacturers as basis of standard, v. 43, pp. 425 to 489.

Risk-utility test for defective designs, v. 43, pp. 445 to 452.

Safety standards, reliance on, v. 29, p. 217; v. 30, pp. 199, 200, 284.

"Second collision" liability, v. 29, p. 216; v. 30, p. 189.

State of the art—See within this heading, "State of the art defense."

Strict liability—See within this heading, "Strict liability."

Structural designs, v. 35, pp. 319 to 357.

Surgical implants, v. 28, p. 321.

Directed verdict or judgment for defense, v. 28, pp. 333, 334, 344, 346, 347.

Drugs and vaccines.

Adverse reactions, v. 34, pp. 273 to 344.

Circumstantial evidence, v. 30, pp. 7 to 10.

DES cases.

See CANCER.

Epidemiology and statistics to prove causation, v. 38, pp. 673 to 692.

Foreseeability issues, v. 30, p. 69.

Oral contraceptives, v. 30, pp. 353, 356.

Premarketing testing, v. 30, p. 10.

Warning, obligation of manufacturer, v. 29, pp. 21, 272; v. 30, p. 69; v. 31, pp. 317 to 320.

"Enterprise liability" theory, v. 31, pp. 245 to 263.

Experimental evidence, v. 28, p. 449; v. 30, p. 359.

PRODUCTS LIABILITY —Cont'd

Expert evidence.

Alternative design feasibility, v. 28, p. 422; v. 30, pp. 198 to 200; v. 31, p. 163.

Automobile products, v. 28, pp. 448, 449.

Impeachment, scope allowed, v. 29, p. 216.

Necessity, v. 28, p. 320.

Opinions held inadmissible, v. 29, p. 61.

State of the art, v. 28, pp. 304, 320; v. 30, pp. 198 to 200.

Tractor-crawler gear design, v. 30, p. 493.

Farm machinery.

Corn picker, v. 28, p. 435.

Grain dryer, v. 30, p. 493.

Hydraulic systems, v. 30, p. 449.

Federal reform of products liability law, v. 34, pp. 19 to 53.

Firearms, v. 28, p. 3; v. 30, p. 194; v. 31, p. 237.

Flammable products.

Camp stove fuel, v. 28, p. 434.

Chemical compound, v. 28, p. 319; v. 29, p. 28.

Children's clothing, v. 30, p. 198.

Clothing, v. 30, p. 11.

Paint, v. 28, p. 436.

Foreseeability of injury.

Duty to warn, v. 31, pp. 288, 292.

Generally, v. 28, pp. 1, 372; v. 29, p. 207; v. 31, p. 136; v. 36, pp. 93 to 98.

Obvious danger, v. 28, pp. 420 to 438.

Unintended use, v. 31, pp. 279 to 284.

Governmental studies and proposals, v. 28, pp. 18, 19.

Government contract defense, v. 36, pp. 537 to 605.

Household appliances and equipment.

Camp stove, v. 28, p. 306.

Lawn mower, v. 28, pp. 435, 436.

Increase in litigation, v. 28, p. 18.

Indeterminate defects, v. 44, pp. 671 to 703.

Industrial machinery and equipment.

Asbestosis cases, v. 30, pp. 6, 10, 11.

Design liability, v. 28, pp. 364, 372, 374, 375.

Freight elevator, v. 31, p. 141.

Hydraulic lift, v. 28, p. 325.

Meat grinder, v. 28, p. 321.

INDEX OF SUBJECTS

PRODUCTS LIABILITY —Cont'd

Industrial machinery and equipment —Cont'd

Patent danger issues, v. 28, pp. 420, 422, 424, 427 to 438.

Inherently dangerous products, v. 28, pp. 449, 450; v. 31, pp. 276 to 279.

Joinder of manufacturers and health care providers, malpractice screening panel's jurisdiction, v. 29, p. 179.

"Joint venture" theory, v. 31, pp. 254 to 258, 260.

Label warning requirements, impact on industrial products liability, v. 37, pp. 325 to 360.

Lack of notice defense, v. 29, pp. 489, 490.

Latent disease, fear of developing, v. 35, pp. 1 to 64, 258 to 264.

Limitation of actions, statutory, v. 32, pp. 351 to 390; v. 36, pp. 213 to 250.

"Market share liability" theory, v. 31, pp. 253 to 263.

Misuse defense.

Abuse, v. 28, p. 373.

Admission of misuse, v. 31, p. 136.

Disregard of warnings, v. 28, p. 373.

Patent-latent defect issues, v. 28, pp. 340, 344, 374, 420 to 438.

Post-sale duty to warn, v. 33, pp. 261 to 274.

Privity defense, v. 30, p. 372.

Products versus services in strict liability, v. 33, pp. 423 to 445.

Property damage as basis of action, v. 31, p. 235.

Psychic injury, v. 35, pp. 193 to 266.

Punitive damages.

Class actions, v. 36, pp. 117 to 135.

Early cases, v. 35, p. 467.

Generally, v. 30, pp. 189 to 206; v. 31, p. 163; v. 35, pp. 475 to 502.

Proposed reforms, v. 36, pp. 110 to 117.

Social functions, v. 35, pp. 625 to 676.

State of the art defense, v. 28, p. 327.

Recreational products—See within this heading, "Athletic or recreational products."

Res ipsa loquitur, v. 28, pp. 449, 451, 452; v. 29, p. 327; v. 44, pp. 671 to 703.

Restatement of Laws rule, v. 30, pp. 69, 185, 186.

Safety standard code evidence, v. 28, pp. 305, 306, 318.

Seat belt defense, v. 36, pp. 24 to 28, 625 to 637.

PRODUCTS LIABILITY —Cont'd

Sellers of used chattels.

Automobiles, v. 30, p. 183.

Disclaimer of warranties, v. 30, pp. 185 to 187.

Services versus products in strict liability, v. 33, pp. 423 to 445.

Shingles, defective, v. 30, p. 451.

State of the art defense.

Admissibility and relevance, v. 28, pp. 308, 313; v. 30, p. 285; v. 32, pp. 155 to 189.

Conforming to industry standards, v. 28, pp. 340, 341, 345; v. 30, pp. 189, 200, 285.

Customs of industry, v. 28, pp. 305, 307, 314, 320, 326, 328.

Definitions and elements, v. 28, p. 307.

Generally, v. 28, pp. 307 to 330.

Punitive damages, v. 28, p. 327.

Statutes recognizing, v. 28, pp. 307, 329.

Strict liability cases, v. 32, pp. 155 to 189.

Structural engineering, v. 35, pp. 323 to 327.

Unavoidably unsafe products, v. 28, p. 317.

Statute of limitations, v. 32, pp. 351 to 390; v. 36, pp. 213 to 250.

Strict liability.

Argument against strict liability, v. 42, pp. 531 to 558.

Comparative negligence and, v. 35, pp. 267 to 288.

Computer software, v. 31, pp. 360 to 363.

Design defects, v. 31, pp. 517 to 552.

Duty to warn or instruct, v. 31, pp. 267 to 332.

History of strict liability and design defect litigation, v. 43, pp. 438 to 443.

Original intent of strict liability, v. 39, pp. 279 to 306.

Product and service distinguished, v. 33, pp. 423 to 445.

Psychic injury, v. 35, pp. 43, 193 to 266.

State of the art evidence, v. 32, pp. 155 to 189.

Successor corporations, v. 32, pp. 55 to 90.

Successor corporations, liability of, v. 32, pp. 55 to 70.

Surgical implants, v. 28, p. 321.

Tampons, v. 30, pp. 6, 7.

Toxic substances.

See TOXIC TORTS.

Toy products, v. 28, pp. 375, 430, 434.

Trade associations, liability, v. 39, pp. 1 to 24.

INDEX OF SUBJECTS

PRODUCTS LIABILITY —Cont'd

Warning by manufacturer.

Duty generally, v. 29, p. 21; v. 33, pp. 261 to 266.

Post-sale duty, v. 33, pp. 266 to 274.

Required label warnings, effect on industrial products cases, v. 37, pp. 325 to 360.

Strict liability cases, v. 30, p. 68; v. 31, pp. 267 to 333.

Workers' compensation and product liability, v. 39, pp. 415 to 455.

PROFESSIONAL LIABILITY.

Accountants.

See ACCOUNTANTS.

Architects.

See ARCHITECTS.

Attorneys.

See LEGAL MALPRACTICE.

Clergymen, negligent counseling, v. 29, p. 15.

Engineers.

Computer product issues, v. 32, pp. 627, 669.

Structural design errors, v. 35, pp. 319 to 357.

Morticians, embalmers and funeral directors.

Contract action, v. 28, p. 188.

Mental pain, v. 28, p. 188.

Physicians and surgeons.

See MEDICAL MALPRACTICE.

Surveyors.

Professional association's standards, effect, v. 29, p. 500.

Veterinarian, maltreatment of pet, v. 28, p. 17.

PROPERTY POSSESSOR'S LIABILITY.

Condominiums, tort liability of unit owners, v. 37, pp. 573 to 623.

Control of premises issues, v. 28, p. 359.

Golf course injuries, v. 44, pp. 333 to 360.

Invitee's rights and duties.

Comparative negligence issues, v. 30, p. 84.

Duty of invitor, v. 28, pp. 51, 359.

Foreseeability, v. 28, p. 275.

Landlord and tenants generally.

See LANDLORD AND TENANT.

Licensee's rights and duties.

Definitions and distinctions, v. 30, p. 72.

PROPERTY POSSESSOR'S LIABILITY —Cont'd

Licensee's rights and duties —Cont'd

Duty of licensor, v. 30, p. 72.

Natural vegetation that blocks driver's view, v. 45, pp. 463 to 496.

Premises liability and warranty of habitability, v. 33, pp. 525 to 567.

Proximate cause issues, v. 28, p. 51.

Real estate generally.

See **REAL ESTATE**.

Right to exclude entrants, v. 30, p. 73.

Runners and joggers, injuries to, v. 44, pp. 451 to 460.

Status test, common-law rule retained, v. 30, p. 71.

Trespasser's rights and duties, children, v. 28, p. 159.

Vegetation that blocks driver's view, v. 45, pp. 463 to 496.

PROXIMATE CAUSE.

Article.

"Expert Testimony on Proximate Cause," v. 38, p. 539.

PSYCHOLOGICAL TESTS.

Articles.

"Challenging the Plaintiffs' Psychological Tests," v. 33, p. 507.

"Malingering or Mental Distress?," v. 35, p. 705.

"Neuropsychological Evaluation in Traumatic Head Injury: A New Tool for Attorneys," v. 37, p. 499.

Value of tests, v. 33, pp. 507 to 524; v. 35, pp. 705 to 714.

R

RACKETEER-INFLUENCED AND CORRUPT ORGANIZATIONS ACT (RICO).

Claims under Act, v. 33, pp. 9 to 11; v. 34, pp. 9 to 12.

RAILROAD ACCIDENTS.

Crossing accidents.

Contributory negligence, v. 29, p. 456; v. 30, p. 277.

Experimental evidence, v. 29, pp. 461, 462; v. 30, p. 276.

Expert evidence, v. 29, pp. 457, 458.

Hazardous conditions, v. 29, p. 457; v. 30, p. 496.

Indemnity or contribution, v. 29, p. 453.

Lookout issues, v. 29, pp. 451, 460 to 463.

Motion picture evidence, v. 29, p. 462.

INDEX OF SUBJECTS

RAILROAD ACCIDENTS —Cont'd

Crossing accidents —Cont'd

Proximate cause issues, v. 29, p. 456.

Signals by railroad issues, v. 29, p. 56.

REAL ESTATE.

Builder's and vendor's liability, limitation of actions, v. 28, p. 357.

Completion of forms as unauthorized practice of law, v. 31, pp. 412, 414.

Home builder's or vendor's liability.

Caveat emptor doctrine, v. 28, pp. 435, 454; v. 29, p. 518.

Caveat vendor doctrine, v. 29, p. 520.

Condition of land itself, v. 29, pp. 518 to 520.

Fault irrelevant, v. 29, p. 520.

Nonprofessionals, v. 29, pp. 517, 518.

Strict liability rejected, v. 28, p. 454.

Trends, v. 29, p. 511.

Warranty action, v. 28, p. 22.

Landlord and tenant generally.

See **LANDLORD AND TENANT**.

Legal malpractice cases, v. 30, p. 391; v. 31, p. 84.

Premises liability and warranty of habitability, v. 33, pp. 525 to 567.

See also **PROPERTY POSSESSOR'S LIABILITY**.

Unauthorized practice of law by brokers, v. 31, pp. 412, 414.

Warranty actions.

Condition of land itself, v. 29, pp. 518 to 520.

Condominiums, v. 29, pp. 514, 516, 518; v. 30, p. 25.

Express warranty or disclaimer, v. 29, pp. 512, 514, 516.

Fitness, habitability or workmanship, v. 28, p. 22.

Habitability issues.

Landlord's implied warranty of habitability, v. 32, pp. 507 to 510.

Premises liability and, v. 33, pp. 525 to 567.

Seller's implied warranty of habitability, v. 29, pp. 508, 515, 519 to 521.

Lack of notice defense, v. 29, p. 509.

Limitation of actions issues, v. 29, pp. 505, 507, 514 to 516.

Mental anguish of purchaser, v. 29, p. 510.

Mitigation issues, v. 29, pp. 270, 520.

Privity issues, subsequent purchasers, v. 29, pp. 507, 513, 516.

RELEASE OF LIABILITY.

Co-tortfeasor cases, comparative negligence jurisdictions, v. 30, pp. 81, 91, 97 to 102.

"Guaranteed verdict" agreements.

Champerty and maintenance issues, v. 29, pp. 233 to 237, 245.

Ethical questions, v. 29, pp. 237, 245.

Secrecy condemned, v. 29, p. 246.

Setting release aside.

Burden of proof, v. 28, p. 274.

Failure to read release no excuse, v. 28, p. 274.

Settlements generally.

See **COMPROMISE AND SETTLEMENT**.

RES IPSA LOQUITUR.

Control by defendant, v. 28, p. 452.

Definition and elements, v. 28, p. 449.

Hospital liability, v. 35, pp. 170 to 173.

Juror agreement on basis of negligence and doctrine, v. 39, p. 125.

Liberalized use disapproved, v. 28, p. 451.

Medical malpractice cases, v. 28, p. 155; v. 30, p. 492; v. 32, pp. 408 to 411.

Products liability cases, v. 28, pp. 449, 451, 452; v. 29, p. 327; v. 44, pp. 671 to 703.

RESPONDEAT SUPERIOR.

Assault by servant.

Propensity to violence, v. 29, p. 524.

Punitive damages, v. 29, pp. 524, 525.

Automobile accidents, incompetent driver employed, v. 30, p. 400.

Circumstantial evidence, v. 30, p. 321.

Client's liability for attorney's misconduct, v. 30, pp. 141 to 145.

Duty to control subsidiaries, v. 30, pp. 320, 321.

Foreseeability issues, v. 30, p. 78.

Hospital liability, v. 34, pp. 577 to 640; v. 35, pp. 546 to 549.

Insurer's liability for private adjuster's torts, v. 29, p. 357.

Medical malpractice cases.

See **MEDICAL MALPRACTICE**.

Privacy invaded by employee, v. 29, p. 111.

Right of control, v. 30, p. 77.

Scope of employment issues.

Custom and habit evidence, v. 30, p. 77.

"Managerial employee" test, v. 29, pp. 77, 79.

INDEX OF SUBJECTS

RESPONDEAT SUPERIOR —Cont'd

Scope of employment issues —Cont'd

Outrageous conduct by employees, v. 29, pp. 77, 79, 101.

School accident case, v. 28, p. 381.

Tenant or lessee, property owner's liability, v. 30, p. 151.

S

SCHOOL AND SCHOOLYARD ACCIDENTS.

Foreseeability issues, v. 29, p. 23.

Lack of supervision issues, v. 29, pp. 23, 169.

School-sponsored sports activities, v. 28, pp. 335, 346, 379.

Sports generally.

See SPORTS.

SEAT BELT DEFENSE.

Articles.

"The Safety Belt Defense at Trial and in Out-of-Court Settlement," v. 36, p. 1.

"The Seat Belt Defense Reconsidered: A Return to Accountability in Tort Law?," v. 36, p. 607.

SETTLEMENT.

See COMPROMISE AND SETTLEMENT.

SEXUAL HARASSMENT.

Articles.

"Protecting the Righteous Employer Against Abusive Sexual Harassment Claims: Two Modest Proposals," v. 45, p. 271.

"Recent Developments in Sexual Harassment Law," v. 42, p. 463.

"Workers' Compensation and Sexual Harassment in the Workplace: A Remedy for Employees or a Shield for Employers?," v. 44, p. 1.

SLANDER.

See DEFAMATION.

SOCIAL GUEST CASES.

Active versus passive negligence, v. 30, p. 72.

Definitions and distinctions, v. 30, p. 72.

SPECTATOR ACCIDENTS.

Assumption of risk defense, v. 28, p. 347.

SPORTS.

Articles.

"Batter Up! Are Youth Baseball Leagues Overlooking the Safety of Their Players?," v. 44, p. 167.

SPORTS —Cont'd

Articles —Cont'd

"Injury on the Golf Course: Regardless of Your Handicap, Escaping Liability Is Par for the Course," v. 44, p. 333.
"Running Scared: Negligence and the Running Boom," v. 44, p. 443.
"Torts and Sports: Participant Liability to Coparticipants for Injuries Sustained During Competition," v. 41, p. 145.

STIPULATIONS.

Good faith purchase of stolen vehicle, v. 28, pp. 167, 168, 175.
Lost earnings, v. 28, p. 192.
Market value of automobile, v. 28, p. 168.
Medical evidence, v. 28, p. 157.
Medical expenses, v. 28, pp. 192, 491.
Property damage, amount, v. 28, p. 488.

STOREKEEPER'S LIABILITY.

Assault by third parties, v. 28, p. 275.
Circumstantial evidence, v. 30, p. 177.
Fall inside store, v. 30, p. 176.
Foreseeability issues, v. 28, p. 276; v. 30, p. 352.
Slippery floor, v. 30, p. 177.

STRICT LIABILITY.

Argument against strict liability, v. 42, pp. 531 to 558.

Articles.

"A Practical Approach to State of the Art Evidence in Strict Products Liability Cases," v. 32, p. 155.
"Comparative Negligence in Strict Products Liability: The Courts Render the Final Judgment," v. 35, p. 267.
"Design Defect" in Products Liability: Rethinking Negligence and Strict Liability," v. 31, p. 517.
"Distinguishing Between Products and Services in Strict Liability," v. 33, p. 423.
"Liability of Physicians, Pharmacists and Hospitals for Adverse Drug Reactions," v. 34, p. 273.
"Recovery for Psychic Harm in Strict Products Liability: Has the Interest in Psychic Equilibrium Come the Final Mile?," v. 35, p. 193.
"Strict Products Liability: The Original Intent," v. 39, p. 279.
"The Case Against Strict Liability," v. 42, p. 531.
"The Duty to Warn and Instruct for Safe Use in Strict Tort Liability," v. 31, p. 267.

INDEX OF SUBJECTS

STRICT LIABILITY —Cont'd

Comparative negligence jurisdictions, v. 35, pp. 267 to 288.
Computer or computer programming malfunction, v. 31, pp. 360 to 366.
Health hazards of video display terminals, v. 41, pp. 353 to 363.
Design defects, v. 31, pp. 517 to 552.
Duty to warn and instruct for safe use of product, v. 31, pp. 267 to 333.
Fear of developing latent disease, v. 35, pp. 43, 258 to 264.
Medical malpractice, doctrine rejected, v. 28, p. 59.
Original intent of strict liability, v. 39, pp. 279 to 306.
Products liability generally.
See **PRODUCTS LIABILITY**.

Product versus service, application of strict liability, v. 33, pp. 423 to 445; v. 34, pp. 292 to 301.
Psychic injury, v. 35, pp. 193 to 259.
State of the art defense in products cases, v. 32, pp. 155 to 189.
Successor's liability for acquired corporation's products, v. 32, pp. 55 to 70.
Victim negligence, application of strict liability, v. 45, pp. 6 to 19.
Video display terminals, health hazards, v. 41, pp. 353 to 363.

SUBROGATION.

Fire insurer as plaintiff, v. 28, p. 243.
Uninsured motorist action, v. 30, p. 390.

SUMMARY JUDGMENT.

Article.
"Summary Judgment: Taming the Beast of Burdens," v. 37, p. 529.
Burden of proof required, evidentiary standards, v. 37, pp. 529 to 573.
Demurrer-like procedure preferred, v. 37, pp. 563 to 573.
Fact adjudication in federal courts, changes in approach, v. 39, pp. 339 to 376.

SURVEILLANCE OF PLAINTIFFS.

Article.
"Overintrusive Surveillance of Plaintiffs in Personal Injury Cases," v. 35, p. 603.
Motion picture evidence.
See **MOTION PICTURE OR VIDEOTAPE EVIDENCE**.

T

THERMOGRAPHY.

Article.

"Thermography: Friend, Foe or Foolishness?", v. 33, p. 499.
Description of process, v. 33, pp. 499 to 503.

TOXIC TORTS.

Articles.

"Causal Chains and Statistical Links: The Role of Scientific Uncertainty in Hazardous Substances Litigation," v. 38, p. 189.

"Fear of Disease and Delayed Manifestation Injuries: A Solution or a Pandora's Box?", v. 35, p. 1.

"Radon Gas: Contractor Liability for an Indoor Health Hazard," v. 37, p. 361.

"Recovery for Cancerphobia and Increased Risk of Cancer," v. 35, p. 443.

"Risks of Assumptions: Impacts of Regulatory Label Warnings Upon Industrial Products Liability," v. 37, p. 325.

"Strategic and Scientific Considerations in Toxic Tort Defense," v. 35, p. 405.

"The Toxic Substances Control Act," v. 34, p. 55.

"Tort Actions for Medical Monitoring: Warranted or Wasteful?" v. 45, p. 163.

"Trial by Lottery: The Misuse of Epidemiology and Statistics to Prove Causation in Drug and Chemical Litigation," v. 38, p. 673.

Causation in hazardous substance cases, v. 38, pp. 189 to 258, 673 to 692.

Defending toxic tort cases, v. 35, pp. 405 to 441.

Epidemiology, use in proving causation, v. 38, pp. 189 to 258, 673 to 692.

Growth of litigation, v. 34, p. 2.

Latent diseases, fear of, v. 35, pp. 24 to 55, 443 to 464.

Medical monitoring of plaintiffs, actions for, v. 45, pp. 163 to 185.

Radon gas in the home, v. 37, pp. 361 to 397.

Required warning labels, effect on industrial products cases, v. 37, pp. 325 to 360.

Statistics, use in proving causation, v. 38, pp. 189 to 258, 673 to 692.

INDEX OF SUBJECTS

TRADE ASSOCIATIONS.

Article.

"The Trade Association and Product Safety Standards: Of Good Samaritans and Liability," v. 39, p. 1.

U

UNAUTHORIZED PRACTICE OF LAW.

Insurance adjustors, v. 31, pp. 409 to 411, 414.

Labor relations representative, v. 31, pp. 412, 414.

Real estate brokers, v. 31, pp. 412, 414.

V

VERDICTS.

Consistency of verdicts, v. 29, p. 414.

Directed verdicts.

See DIRECTED VERDICT OR JUDGMENT NOV.

"Guaranteed verdicts."

See COMPROMISE AND SETTLEMENT.

Impeachment through use of jurors' statements, v. 30, p. 482.

Less-than-unanimous verdicts, v. 28, pp. 332, 345, 375, 430, 434; v. 29, p. 206.

Medical malpractice verdicts, v. 40, pp. 415 to 449.

VOIR DIRE EXAMINATION OF JURORS.

Acquaintance with party or counsel, v. 29, pp. 479, 486; v. 30, pp. 227, 238.

Acquaintance with witnesses, v. 31, pp. 118, 126.

Appellate record, v. 29, pp. 471, 473; v. 30, p. 239.

Articles.

"A Trial Judge's Observations About Voir Dire Examination," v. 30, p. 223.

"The Admissibility of Insurance Questions During Voir Dire: A Critical Survey of Federal Approaches and Proposals for Change," v. 42, p. 135.

Concealment or nondisclosure, v. 29, p. 482.

Court or counsel conducting, v. 30, p. 224.

Do's and don'ts, v. 30, pp. 230 to 240.

Federal practice, v. 30, p. 224.

Importance, v. 30, p. 223.

Insurer advertising, effect, v. 29, pp. 472, 474, 479.

VOIR DIRE EXAMINATION OF JURORS —Cont'd

Liability insurance, v. 28, p. 262; v. 29, pp. 472, 483 to 485; v. 42, pp. 135 to 192.
Medical malpractice cases, v. 30, pp. 240 to 244.
Monitor, duty of trial judge, v. 29, pp. 476, 480, 482.
Nondisclosure held harmless, v. 29, p. 482.
Pretrial publicity, effect, v. 29, pp. 470, 479, 481.
Products liability cases, v. 30, pp. 244 to 247.
Purpose of inquiry, v. 29, pp. 471, 477.
Qualification of jurors, v. 31, pp. 117 to 129.
Scope of examination, v. 29, p. 63; v. 30, pp. 228, 242 to 247.

W

WILLFUL OR WANTON MISCONDUCT.

Burden of proof, v. 30, pp. 192, 201, 204, 207 to 213.
Comparative negligence jurisdictions, v. 31, p. 9.
Employee actions against employers, v. 32, p. 4.
Products liability cases, v. 30, pp. 192, 196, 202 to 206.

WILLS AND ESTATES.

Legal malpractice in estate planning, v. 31, pp. 417, 425 to 514.

WITNESSES.

Adverse party as witness, v. 29, p. 37; v. 30, p. 273.

Articles.

“*Jurors’ Views of Civil Lawyers: Implications for Courtroom Communication*,” v. 43, p. 121.

“*Witness Preparation*,” v. 39, p. 415.

Coaching witnesses, v. 32, p. 589.

Corporate officers and employees, procuring trial testimony from, v. 43, pp. 121 to 185.

Cross-examination.

See **CROSS-EXAMINATION**.

Expert witnesses.

See **EXPERT EVIDENCE**.

Eyewitness testimony as precluding custom and habit evidence, v. 31, p. 66.

Preparation of witnesses, v. 39, pp. 457 to 541.

Rehabilitation of witnesses, v. 30, pp. 45 to 47.

WORKERS’ COMPENSATION.

Articles.

“*Evidentiary Autopsies*,” v. 40, p. 251.

INDEX OF SUBJECTS

WORKERS' COMPENSATION —Cont'd

Articles —Cont'd

“Fear of Disease and Delayed Manifestation Injuries: A Solution or a Pandora's Box?,” v. 35, p. 1.

“Fundamentals of Disability Determination and Rehabilitation: A Higher Ground for the Applied Neurobehavioral Sciences,” v. 36, p. 363.

“Psychological Autopsy: Clinical and Legal Perspectives,” v. 43, p. 597.

“Recovery for Cancerphobia and Increased Risk of Cancer,” v. 35, p. 443.

“Workers' Compensation and Occupational Disease: A Return to Original Intent,” v. 38, p. 633.

“Workers' Compensation and Product Liability: The Interaction of a Tort and a Non-Tort Regime,” v. 39, p. 415.

“Workers' Compensation and Sexual Harassment in the Workplace: A Remedy for Employees or a Shield for Employers?,” v. 44, p. 1.

Autopsy evidence.

Generally, v. 40, pp. 251 to 317.

Psychological autopsies, v. 43, pp. 597 to 638.

Back injury cases, v. 28, pp. 119, 121, 128.

Chronic back pain, evaluation, v. 36, pp. 377 to 391.

Cardiovascular disease, v. 28, p. 360.

Common-law action barred, v. 29, pp. 259; v. 30, pp. 294, 300.

Comparative negligence issues, fault of employer apportioned, v. 30, pp. 85, 99, 102, 103.

Delayed notice defense, v. 28, p. 360.

Drug-impaired employee, v. 37, p. 261.

Dual capacity doctrine, v. 32, p. 6.

Electrical accidents, v. 28, p. 455.

Fellow-servant rule, v. 32, p. 6.

Going-and-coming rule, v. 33, p. 21.

History and evolution of workers' compensation, v. 38, pp. 633 to 649.

Indemnity actions against employers.

Active versus passive negligence test, v. 28, pp. 455, 457.

Contractual indemnity, v. 29, p. 453.

Exclusive remedy provisions as bar, v. 28, p. 457; v. 30, pp. 85, 99, 102, 103.

Intentional tort by employer, v. 32, p. 4.

WORKERS' COMPENSATION —Cont'd

Medical evidence, permanency or rehabilitation, v. 28, pp. 119, 121, 128.

Medical malpractice, examining physician's standard of care, v. 28, pp. 119, 121, 128, 133.

Mental injury, case review, v. 37, pp. 107 to 118.

Neuropsychological evaluation of disability, v. 36, pp. 363 to 402. Occupational disease, v. 38, pp. 633 to 671.

Product liability and workers' compensation, v. 39, pp. 415 to 455.

Reckless misconduct by employer, v. 32, p. 4.

Sexual harassment and workers' compensation, v. 44, pp. 1 to 62.

Special-hazard rule, v. 33, p. 21.

Video display terminals, injuries from, v. 41, p. 363.

WORK PRODUCT DOCTRINE.

Articles.

"Opinion Work Product: Solving the Dilemma of Compelled Disclosure," v. 34, p. 641.

"The Work Product Doctrine: Protection, Not Privilege," v. 33, p. 25.

"Work Product Privilege and Discovery of Expert Testimony: Resolving the Conflict Between Federal Rules of Civil Procedure 26(b) and 26(b)(4)," v. 38, p. 565.

Discovery of expert testimony under Federal Rules of Civil Procedure, v. 38, pp. 565 to 589.

Generally, v. 28, pp. 26 to 45; v. 33, pp. 25 to 57; v. 34, pp. 641 to 648.

Opinion work product, v. 34, pp. 648 to 674.

Surveillance of personal injury plaintiff, v. 35, pp. 616 to 618.

WRONGFUL BIRTH, LIFE OR PREGNANCY.

See CHILDREN.

WRONGFUL DEATH ACTIONS.

See DAMAGES, DEATH ACTIONS.

X

X-RAYS.

Article.

"Legal Aspects of Angiography and Interventional Radiology," v. 34, p. 421.

Informed consent, v. 29, p. 493; v. 34, pp. 423 to 425.

INDEX OF SUBJECTS

X-RAYS —Cont'd

Malpractice liability generally, v. 34, pp. 421 to 426.
Overexposure, fear of developing cancer, v. 35, p. 22.
Radiation injury.
 Burn case, v. 30, p. 260.
 Injury to fetus, v. 29, p. 493.
 Limitation of actions, v. 30, p. 375.



1924

179